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I N  S E N A T E

January 22, 2014

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to expanding the definition of "electronic communication"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 5 of section 250.00 of the penal law, as amended by chapter 744 of the laws of 1988, is amended to read as follows:

5. "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, INCLUDING DATA REGARDING THE TIME, DURATION AND LOCATION OF ANY SUCH SIGNS, SIGNALS, WRITING, IMAGES OR SOUNDS, transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system, but does not include:

(a) any telephonic or telegraphic communication; or

(b) any communication made through a tone only paging device; or

(c) any communication made through a tracking device consisting of an electronic or mechanical device which permits the tracking of the movement of a person or object; or

(d) any communication that is disseminated by the sender through a method of transmission that is configured so that such communication is readily accessible to the general public.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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