

1699

2015-2016 Regular Sessions

I N A S S E M B L Y

January 12, 2015

Introduced by M. of A. MAGNARELLI -- read once and referred to the  
Committee on Codes

AN ACT to amend the penal law, in relation to creating the crime of  
tampering with electronic monitoring equipment

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

1 Section 1. The penal law is amended by adding two new sections 145.75  
2 and 145.80 to read as follows:

3 S 145.75 TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT IN THE SECOND  
4 DEGREE.

5 1. FOR PURPOSES OF THIS SECTION, "ELECTRONIC MONITORING EQUIPMENT"  
6 MEANS AN INSTRUMENT OR DEVICE UTILIZED IN ACCORDANCE WITH SUBDIVISION  
7 FOUR OF SECTION 65.10 OF THIS CHAPTER.

8 2. A PERSON IS GUILTY OF TAMPERING WITH ELECTRONIC MONITORING EQUIP-  
9 MENT IN THE SECOND DEGREE WHEN, HAVING NO RIGHT TO DO SO NOR ANY REASON-  
10 ABLE GROUND TO BELIEVE THAT HE OR SHE HAS SUCH RIGHT, HE OR SHE TAMPERS  
11 WITH ELECTRONIC MONITORING EQUIPMENT, OR DAMAGES OR OTHERWISE ALTERS  
12 SUCH ELECTRONIC MONITORING EQUIPMENT IN AN EFFORT TO INTERFERE WITH ANY  
13 SIGNAL, IMPULSE OR DATA BEING TRANSMITTED BY SUCH ELECTRONIC MONITORING  
14 EQUIPMENT.

15 TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT IN THE SECOND DEGREE IS  
16 A CLASS A MISDEMEANOR.

17 S 145.80 TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT IN THE FIRST  
18 DEGREE.

19 1. A PERSON IS GUILTY OF TAMPERING WITH ELECTRONIC MONITORING EQUIP-  
20 MENT IN THE FIRST DEGREE WHEN, AS PART OF COMMITTING TAMPERING WITH  
21 ELECTRONIC MONITORING EQUIPMENT IN THE SECOND DEGREE AS DEFINED IN  
22 SECTION 145.75 OF THIS ARTICLE, THE PERSON ALSO COMMITS A CRIME THAT IS  
23 CLASSIFIED AS A CLASS A OR CLASS B FELONY.

24 2. WHEN A PERSON IS CONVICTED OF TAMPERING WITH ELECTRONIC MONITORING  
25 EQUIPMENT IN THE FIRST DEGREE, THE COURT SHALL IMPOSE A SENTENCE FOR

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

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1 THIS CRIME TO RUN CONSECUTIVE TO ANY SENTENCE IMPOSED FOR A CONVICTION  
2 FOR THE CLASS A OR CLASS B FELONY THAT WAS ALSO COMMITTED.  
3 TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT IN THE FIRST DEGREE IS  
4 A CLASS E FELONY.  
5 S 2. This act shall take effect on the first of November next succeed-  
6 ing the date on which it shall have become a law.