STATE OF NEW YORK

6130

2017-2018 Regular Sessions

IN ASSEMBLY

February 23, 2017

Introduced by M. of A. CRESPO -- Multi-Sponsored by -- M. of A. MOYA, RIVERA, RODRIGUEZ -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to requiring the issuance of a warrant for the use of electronic tracking devices

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 700.05 of the criminal procedure law, as amended by chapter 744 of the laws of 1988, is amended to read as follows:

1. "Eavesdropping" means "wiretapping", "mechanical overhearing of conversation[~~," or the~~] **",** "intercepting or accessing of an electronic communication", as those terms are defined in section 250.00 of the penal law, **or the use of an electronic tracking device,** but does not include the use of a pen register or trap and trace device when authorized pursuant to article [~~705~~] **seven hundred five** of this chapter.

§ 2. Section 700.05 of the criminal procedure law is amended by adding a new subdivision 1-a to read as follows:

1-a. "Electronic tracking device" means an electronic or mechanical device which permits the tracking of the movement of a person or thing by means of a global positioning system or by any other means.

§ 3. This act shall take effect on the thirtieth day after 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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