

STATE OF NEW YORK

10911

IN ASSEMBLY

August 17, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Woerner) --
read once and referred to the Committee on Codes

AN ACT to amend the penal law and the criminal procedure law, in
relation to establishing the crime of doxing a police officer or a
peace officer

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 a new section 240.33 to
2 read as follows:

3 § 240.33 Doxing a police officer or a peace officer.

4 A person is guilty of doxing a police officer or a peace officer when
5 he or she knowingly makes restricted personal information about a police
6 officer or peace officer, or a member of the immediate family of such
7 officer, publicly available:

8 1. With the intent to threaten, intimidate, or incite the commission
9 of a crime of violence against the police officer or peace officer, or a
10 member of the immediate family of such officer; or

11 2. With the intent and knowledge that the restricted personal informa-
12 tion will be used to threaten, intimidate, or facilitate the commission
13 of a crime of violence against the police officer or peace officer, or a
14 member of the immediate family of such officer.

15 Under this section, police officer and peace officer are as defined
16 under section 1.20 of the criminal procedure law.

17 Doxing of a police officer or a peace officer shall be a class D felo-
18 ny.

19 § 2. Paragraphs (s) and (t) of subdivision 4 of section 510.10 of the
20 criminal procedure law, as added by section 2 of part UU of chapter 56
21 of the laws of 2020, are amended and a new paragraph (u) is added to
22 read as follows:

23 (s) a felony, where the defendant qualifies for sentencing on such
24 charge as a persistent felony offender pursuant to section 70.10 of the
25 penal law; [~~or~~]

26 (t) any felony or class A misdemeanor involving harm to an identifi-
27 able person or property, where such charge arose from conduct occurring

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

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1 while the defendant was released on his or her own recognizance or
2 released under conditions for a separate felony or class A misdemeanor
3 involving harm to an identifiable person or property, provided, however,
4 that the prosecutor must show reasonable cause to believe that the
5 defendant committed the instant crime and any underlying crime. For the
6 purposes of this subparagraph, any of the underlying crimes need not be
7 a qualifying offense as defined in this subdivision[~~+~~]; or

8 (u) doxing a police officer or a peace officer as defined under
9 section 240.33 of the penal law.

10 § 3. Subparagraphs (xix) and (xx) of paragraph (b) of subdivision 1 of
11 section 530.20 of the criminal procedure law, as amended by section 3 of
12 part UU of chapter 56 of the laws of 2020, are amended and a new subpar-
13 agraph (xxi) is added to read as follows:

14 (xix) a felony, where the defendant qualifies for sentencing on such
15 charge as a persistent felony offender pursuant to section 70.10 of the
16 penal law; [~~ex~~]

17 (xx) any felony or class A misdemeanor involving harm to an identifi-
18 able person or property, where such charge arose from conduct occurring
19 while the defendant was released on his or her own recognizance or
20 released under conditions for a separate felony or class A misdemeanor
21 involving harm to an identifiable person or property, provided, however,
22 that the prosecutor must show reasonable cause to believe that the
23 defendant committed the instant crime and any underlying crime. For the
24 purposes of this subparagraph, any of the underlying crimes need not be
25 a qualifying offense as defined in this subdivision[~~+~~]; or

26 (xxi) doxing a police officer or a peace officer as defined under
27 section 240.33 of the penal law.

28 § 4. Paragraphs (s) and (t) of subdivision 4 of section 530.40 of the
29 criminal procedure law, as added by section 4 of part UU of chapter 56
30 of the laws of 2020, are amended a new paragraph (u) is added to read as
31 follows:

32 (s) a felony, where the defendant qualifies for sentencing on such
33 charge as a persistent felony offender pursuant to section 70.10 of the
34 penal law; [~~ex~~]

35 (t) any felony or class A misdemeanor involving harm to an identifi-
36 able person or property, where such charge arose from conduct occurring
37 while the defendant was released on his or her own recognizance or
38 released under conditions for a separate felony or class A misdemeanor
39 involving harm to an identifiable person or property, provided, however,
40 that the prosecutor must show reasonable cause to believe that the
41 defendant committed the instant crime and any underlying crime. For the
42 purposes of this subparagraph, any of the underlying crimes need not be
43 a qualifying offense as defined in this subdivision[~~+~~]; or

44 (u) doxing a police officer or a peace officer as defined under
45 section 240.33 of the penal law.

46 § 5. This act shall take effect on the thirtieth day after it shall
47 have become a law.