STATE OF NEW YORK

9132

IN ASSEMBLY

January 31, 2022

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

AN ACT to amend the penal law, in relation to including certain use of Bluetooth technology to follow a person in the crime of stalking in the fourth degree

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

Section 1. Section 120.45 of the penal law, as amended by chapter 184 of the laws of 2014, is amended to read as follows:

§ 120.45 Stalking in the fourth degree.

A person is guilty of stalking in the fourth degree when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or

2. causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or

3. is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

For the purposes of subdivision two of this section, "following" shall include the unauthorized tracking of such person's movements or location through the use of a global positioning system**, Bluetooth technology,** or other device.

Stalking in the fourth degree is a class B misdemeanor.

§ 2. This act shall take effect immediately.

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

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