

# STATE OF NEW YORK

7050

2021-2022 Regular Sessions

## IN SENATE

May 26, 2021

Introduced by Sens. TEDISCO, AKSHAR, BORRELLO, GALLIVAN, HELMING, MARTUCCI, OBERACKER, RITCHIE -- 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 establishing the crimes of harassment of a law enforcement officer or a member of the officer's family in the first degree and second degree

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

Section 1. The penal law is amended by adding two new sections 240.27 and 240.28 to read as follows:

§ 240.27 Harassment of a law enforcement officer or a member of the officer's family in the first degree.

1. A person is guilty of harassment of a law enforcement officer or a member of the officer's family in the first degree when, with intent to harass, annoy, threaten or alarm a law enforcement officer or a member of a law enforcement officer's same family or household, as defined in subdivision one of section 530.11 of the criminal procedure law, because of a belief or perception regarding such person's status as a law enforcement officer or a member of a law enforcement officer's same family or household, regardless of whether the belief or perception is correct, he or she:

(a) communicates, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail or electronic mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, such person, or a member of such person's same family or household as defined in subdivision one of section 530.11 of the criminal procedure law, and the actor knows or reasonably should know that such communication will cause such person to reasonably fear harm to such person's physical safety or property, or to the physical safety or property of a member of such person's same family or household; or

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

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1 (b) causes a communication to be initiated anonymously or otherwise,  
2 by telephone, by computer or any other electronic means, or by mail or  
3 electronic mail, or by transmitting or delivering any other form of  
4 communication, a threat to cause physical harm to, or unlawful harm to  
5 the property of, such person, or a member of such person's same family  
6 or household as defined in subdivision one of section 530.11 of the  
7 criminal procedure law, and the actor knows or reasonably should know  
8 that such communication will cause such person to reasonably fear harm  
9 to such person's physical safety or property, or to the physical safety  
10 or property of a member of such person's same family or household; or

11 2. For purposes of this section the term "law enforcement officer"  
12 means any active or retired city or state law enforcement officer, peace  
13 officer, sheriff, deputy sheriff, probation or parole officer, marshal,  
14 deputy, wildlife enforcement agency, county or state correctional offi-  
15 cer, fire marshal or commissioned agent of the department of corrections  
16 and community supervision, as well as any federal law enforcement offi-  
17 cer or employee, whose permanent duties include making arrests, perform-  
18 ing search and seizures, execution of criminal arrest warrants,  
19 execution of civil seizure warrants, any civil functions performed by  
20 sheriffs or deputy sheriffs, enforcement of penal or traffic laws, or  
21 the care, custody, control or supervision of inmates.

22 Harassment of a law enforcement officer or a member of the officer's  
23 family in the first degree is a class E felony.

24 § 240.28 Harassment of a law enforcement officer or a member of the  
25 officer's family in the second degree.

26 1. A person is guilty of harassment of a law enforcement officer or a  
27 member of the officer's family in the second degree when, with intent to  
28 harass, annoy or alarm a law enforcement officer or a member of a law  
29 enforcement officer's same family or household as defined in subdivision  
30 one of section 530.11 of the criminal procedure law, he or she:

31 (a) strikes, shoves, kicks or otherwise subjects such law enforcement  
32 officer or a member of a law enforcement officer's same family or house-  
33 hold to physical contact, or attempts or threatens to do the same; or

34 (b) follows a law enforcement officer or a member of a law enforcement  
35 officer's same family or household in or about a public place or places;  
36 or

37 (c) engages in a course of conduct or repeatedly commits acts which  
38 alarm or seriously annoy such law enforcement officer or member of a law  
39 enforcement officer's same family or household and which serve no legit-  
40 imate purpose.

41 2. For purposes of this section the term "law enforcement officer"  
42 means any active or retired city or state law enforcement officer, peace  
43 officer, sheriff, deputy sheriff, probation or parole officer, marshal,  
44 deputy, wildlife enforcement agency, county or state correctional offi-  
45 cer, fire marshal or commissioned agent of the department of corrections  
46 and community supervision, as well as any federal law enforcement offi-  
47 cer or employee, whose permanent duties include making arrests, perform-  
48 ing search and seizures, execution of criminal arrest warrants,  
49 execution of civil seizure warrants, any civil functions performed by  
50 sheriffs or deputy sheriffs, enforcement of penal or traffic laws, or  
51 the care, custody, control or supervision of inmates.

52 Harassment of a law enforcement officer or a member of the officer's  
53 family in the second degree is a class B misdemeanor.

54 § 2. This act shall take effect immediately.