

# STATE OF NEW YORK

8304

## IN SENATE

February 10, 2022

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the criminal procedure 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 Assembly, do enact as follows:

1 Section 1. The penal law is amended by adding a new section 145.75 to  
2 read as follows:

3 § 145.75 Tampering with electronic monitoring equipment.

4 1. For purposes of this section, "electronic monitoring equipment"  
5 means an instrument or device utilized as a condition of a securing  
6 order pursuant to article five hundred ten or five hundred thirty of the  
7 criminal procedure law, or in accordance with subdivision four of  
8 section 65.10 of this chapter.

9 2. A person is guilty of tampering with electronic monitoring equip-  
10 ment when, having no right to do so nor any reasonable grounds to  
11 believe that he or she has such right, he or she tampers with electronic  
12 monitoring equipment, or damages or otherwise alters such electronic  
13 monitoring equipment in an effort to interfere with any signal, impulse  
14 or data being transmitted by such electronic monitoring equipment.

15 Tampering with electronic monitoring equipment is a class E felony.

16 § 2. Paragraphs (s) and (t) of subdivision 4 of section 510.10 of the  
17 criminal procedure law, as added by section 2 of part UU of chapter 56  
18 of the laws of 2020, are amended to read as follows:

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

22 (t) any felony or class A misdemeanor involving harm to an identifi-  
23 able person or property, where such charge arose from conduct occurring  
24 while the defendant was released on his or her own recognizance or  
25 released under conditions for a separate felony or class A misdemeanor  
26 involving harm to an identifiable person or property, provided, however,  
27 that the prosecutor must show reasonable cause to believe that the

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

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1 defendant committed the instant crime and any underlying crime. For the  
2 purposes of this subparagraph, any of the underlying crimes need not be  
3 a qualifying offense as defined in this subdivision; or

4 (u) tampering with electronic monitoring equipment as defined in  
5 section 145.75 of the penal law.

6 § 3. Subparagraphs (xix) and (xx) of paragraph b of subdivision 1 of  
7 section 530.20 of the criminal procedure law, as amended by section 3 of  
8 part UU of chapter 56 of the laws of 2020, are amended to read as  
9 follows:

10 (xix) a felony, where the defendant qualifies for sentencing on such  
11 charge as a persistent felony offender pursuant to section 70.10 of the  
12 penal law; [~~or~~]

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

22 (xxi) tampering with electronic monitoring equipment as defined in  
23 section 145.75 of the penal law.

24 § 4. Paragraphs (s) and (t) of subdivision 4 of section 530.40 of the  
25 criminal procedure law, as added by section 4 of part UU of chapter 56  
26 of the laws of 2020, are amended to read as follows:

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

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

39 (u) tampering with electronic monitoring equipment as defined in  
40 section 145.75 of the penal law.

41 § 5. This act shall take effect immediately.