# STATE OF NEW YORK

9269

# IN SENATE

May 12, 2022

Introduced by Sen. THOMAS -- 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 the commission of certain crimes by persons acting on behalf of a foreign government

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

Section 1. Section 135.65 of the penal law, as amended by section 3 of part NN of chapter 55 of the laws of 2018, is amended to read as follows:

§ 135.65 Coercion in the first degree.

A person is guilty of coercion in the first degree when he or she commits the crime of coercion in the third degree, and when:

1. He or she commits such crime by instilling in the victim a fear that he or she will cause physical injury to a person or cause damage to property; or

2. He or she thereby compels or induces the victim to:

(a) Commit or attempt to commit a felony; or

(b) Cause or attempt to cause physical injury to a person; or

(c) Violate his or her duty as a public servant[~~,~~]**; or**

**3. He or she is acting on behalf of a foreign government.**

Coercion in the first degree is a class D felony.

§ 2. Subdivision 3 of section 135.25 of the penal law, as amended by chapter 791 of the laws of 1967, is amended and a new subdivision 4 is added to read as follows:

3. The person abducted dies during the abduction or before he **or she** is able to return or to be returned to safety. Such death shall be presumed, in a case where such person was less than sixteen years old or an incompetent person at the time of the abduction, from evidence that his **or her** parents, guardians or other lawful custodians did not see or hear from him **or her** following the termination of the abduction and prior to trial and received no reliable information during such period persuasively indicating that he **or she** was alive. In all other cases, such death shall be presumed from evidence that a person whom the person abducted would have been extremely likely to visit or communicate with

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

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during the specified period were he **or she** alive and free to do so did not see or hear from him **or her** during such period and received no reliable information during such period persuasively indicating that he **or she** was alive[.]**; or**

**4. He or she is acting on behalf of a foreign government.**

§ 3. Section 120.60 of the penal law, as amended by chapter 434 of the laws of 2000, is amended to read as follows:

§ 120.60 Stalking in the first degree.

A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree as defined in subdivision three of section 120.50 or stalking in the second degree as defined in section 120.55 of this article and, in the course and furtherance thereof, he or she:

1. intentionally or recklessly causes physical injury to the victim of such crime; or

2. commits a class A misdemeanor defined in article one hundred thirty of this chapter, or a class E felony defined in section 130.25, 130.40 or 130.85 of this chapter, or a class D felony defined in section 130.30 or 130.45 of this chapter[.]**; or**

**3. is acting on behalf of a foreign government.**

Stalking in the first degree is a class D felony.

§ 4. Subdivision 4 of section 120.10 of the penal law, as amended by chapter 791 of the laws of 1967, is amended and a new subdivision 5 is added to read as follows:

4. In the course of and in furtherance of the commission or attempted commission of a felony or of immediate flight therefrom, he **or she**, or another participant if there be any, causes serious physical injury to a person other than one of the participants[.]**; or**

**5. He or she is acting on behalf of a foreign government.**

§ 5. Section 156.10 of the penal law, as amended by chapter 558 of the laws of 2006, is amended to read as follows:

§ 156.10 Computer trespass.

A person is guilty of computer trespass when he or she knowingly uses, causes to be used, or accesses a computer, computer service, or computer network without authorization and:

1. he or she does so with an intent to commit or attempt to commit or further the commission of any felony; or

2. he or she thereby knowingly gains access to computer material[.]**; or**

**3. he or she is acting on behalf of a foreign government.**

Computer trespass is a class E felony.

§ 6. Subdivision 5 of section 240.31 of the penal law, as added by chapter 74 of the laws of 2008, is amended and a new subdivision 6 is added to read as follows:

5. Etches, paints, draws upon or otherwise places or displays a noose, commonly exhibited as a symbol of racism and intimidation, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property[.]**; or**

**6. Commits the crime of aggravated harassment in the second degree and is acting on behalf of a foreign government.**

§ 7. This act shall take effect immediately.