

STATE OF NEW YORK

4418

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. RA -- read once and referred 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

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

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

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

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

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

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

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

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

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

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

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

44 § 5. This act shall take effect immediately.