

STATE OF NEW YORK

3463

2021-2022 Regular Sessions

IN SENATE

January 29, 2021

Introduced by Sens. GALLIVAN, AKSHAR, BORRELLO, BOYLE, GRIFFO, HELMING, JORDAN, LANZA, MARTUCCI, MATTERA, OBERACKER, O'MARA, ORTT, PALUMBO, RATH, RITCHIE, SERINO, STEC, TEDISCO, WEIK -- 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 establishing the crime of doxing a police officer or a peace officer

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 a new section 240.33 to read as follows:

§ 240.33 Doxing a police officer or a peace officer.

A person is guilty of doxing a police officer or a peace officer when he or she knowingly makes restricted personal information about a police officer or peace officer, or a member of the immediate family of such officer, publicly available:

1. With the intent to threaten, intimidate, or incite the commission of a crime of violence against the police officer or peace officer, or a member of the immediate family of such officer; or

2. With the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against the police officer or peace officer, or a member of the immediate family of such officer.

Under this section, police officer and peace officer are as defined under section 1.20 of the criminal procedure law.

Doxing of a police officer or a peace officer shall be a class D felony.

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

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

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

4 (t) any felony or class A misdemeanor involving harm to an identifi-
5 able person or property, where such charge arose from conduct occurring
6 while the defendant was released on his or her own recognizance or
7 released under conditions for a separate felony or class A misdemeanor
8 involving harm to an identifiable person or property, provided, however,
9 that the prosecutor must show reasonable cause to believe that the
10 defendant committed the instant crime and any underlying crime. For the
11 purposes of this subparagraph, any of the underlying crimes need not be
12 a qualifying offense as defined in this subdivision~~[+]~~; or

13 (u) doxing a police officer or a peace officer as defined under
14 section 240.33 of the penal law.

15 § 3. Subparagraphs (xix) and (xx) of paragraph (b) of subdivision 1 of
16 section 530.20 of the criminal procedure law, as amended by section 3 of
17 part UU of chapter 56 of the laws of 2020, are amended and a new subpar-
18 agraph (xxi) is added to read as follows:

19 (xix) 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; ~~[or]~~

22 (xx) 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
28 defendant committed the instant crime and any underlying crime. For the
29 purposes of this subparagraph, any of the underlying crimes need not be
30 a qualifying offense as defined in this subdivision~~[+]~~; or

31 (xxi) doxing a police officer or a peace officer as defined under
32 section 240.33 of the penal law.

33 § 4. Paragraphs (s) and (t) of subdivision 4 of section 530.40 of the
34 criminal procedure law, as added by section 4 of part UU of chapter 56
35 of the laws of 2020, are amended a new paragraph (u) is added to read as
36 follows:

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

40 (t) any felony or class A misdemeanor involving harm to an identifi-
41 able person or property, where such charge arose from conduct occurring
42 while the defendant was released on his or her own recognizance or
43 released under conditions for a separate felony or class A misdemeanor
44 involving harm to an identifiable person or property, provided, however,
45 that the prosecutor must show reasonable cause to believe that the
46 defendant committed the instant crime and any underlying crime. For the
47 purposes of this subparagraph, any of the underlying crimes need not be
48 a qualifying offense as defined in this subdivision~~[+]~~; or

49 (u) doxing a police officer or a peace officer as defined under
50 section 240.33 of the penal law.

51 § 5. This act shall take effect on the thirtieth day after it shall
52 have become a law.