STATE OF NEW YORK

10676

IN ASSEMBLY

August 28, 2024

Introduced by M. of A. BLUMENCRANZ -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law and the penal law, in relation to the enforcement of the prohibition on the use of wireless signal jammer devices

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

Section 1. This act shall be known and may be cited as the "wireless security enforcement (WiSE) act".

§ 2. The general business law is amended by adding a new section 390-cc to read as follows:

§ 390-cc. Sale of prohibited wireless signal jammer devices. 1. For the purposes of this section, "wireless signal jammer device" means any device that prohibits the operation, manufacture, importation, marketing, and sale of equipment designed to jam or otherwise interfere with authorized radio communications, such as radar, internet, global positioning system (GPS), and cell phone communications.

2. Upon notice by any local or state law enforcement agency, any business or establishment that engages in the manufacture, importation, marketing, or sale of wireless signal jammer devices shall be prohibited from operating said business or establishment within the state for a period of at least one year. This provision shall not be construed to absolve said business or establishment from any other penalties pursuant to local, state or federal law.

3. (a) Whenever it appears to the attorney general, either upon complaint or otherwise, that any person, within or outside the state, has engaged in or is about to engage in any of the acts or practices stated to be unlawful in this section, the attorney general may bring an action or special proceeding in the name and on behalf of the people of the state of New York to enjoin any violation of this section, to obtain restitution of any moneys or property obtained directly or indirectly by any such violation, to obtain disgorgement of any profits or gains obtained directly or indirectly by any such violation, including but not limited to the destruction of unlawfully obtained data and algorithms

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

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trained on such data, to obtain damages caused directly or indirectly by any such violation, to obtain civil penalties which may exceed one hundred thousand dollars per violation, and to obtain any such other and further relief as the court may deem proper, including preliminary relief.

(b) Any property owner or business owner who has been injured by a violation of this section which resulted in the commission of a crime to a person, person's property, or a person's business may bring an action to obtain:

(i) Damages which may exceed one hundred thousand dollars per incident or actual damages, whichever is greater;

(ii) Injunctive or declaratory relief; and/or

(iii) Any other relief the court deems proper.

4. The court may award reasonable attorneys' fees to a prevailing plaintiff.

§ 3. The penal law is amended by adding a new article 157 to read as follows:

ARTICLE 157

OFFENSES INVOLVING PROHIBITED WIRELESS SIGNAL JAMMER DEVICES

Section 157.00 Offenses involving prohibited wireless signal jammer devices; definitions of terms.

157.05 Prohibited use of wireless signal jammer devices.

§ 157.00 Offenses involving prohibited wireless signal jammer devices; definitions of terms.

For the purposes of this article, "wireless signal jammer device" means any device that prohibits the operation, manufacture, importation, marketing, and sale of equipment designed to jam or otherwise interfere with authorized radio communications, such as radar, internet, global positioning system (GPS), and cell phone communications.

§ 157.05 Prohibited use of wireless signal jammer devices.

A person is guilty of prohibited use of a wireless signal jammer device if they engage in the possession, manufacture, importation, marketing, or sale of wireless signal jammer devices.

Prohibited use of a wireless signal jammer device is a class D felony.

§ 4. Section 60.27 of the penal law is amended by adding a new subdivision 15 to read as follows:

15. Notwithstanding any other provision of this section to the contrary, when a person is convicted of prohibited use of a wireless signal jammer device as defined in section 157.05 of this chapter, the court, in addition to any other sentence, shall order the payment of restitution to the person who was harmed, directly or indirectly, by the prohibited use of a wireless signal jammer device.

§ 5. This act shall take effect immediately.