STATE OF NEW YORK

7851

2023-2024 Regular Sessions

IN ASSEMBLY

July 7, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to redefining the term "following" for a crime of stalking in the fourth degree

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

Section 1. The second undesignated paragraph of section 120.45 of the penal law, as added by chapter 184 of the laws of 2014, is amended to read as follows:

For the purposes of subdivision two of this section, "following" shall include the unauthorized tracking of such person's movements or location through the use [~~of a global positioning system or other device~~]**, placement, attachment or insertion of any device or computer software, program, spyware, malware or adware that gains access to, records, tracks or reports a movement or location of a person or their property without the person's permission or authority to do so. A person's employer utilizing location or tracking technology during the normal course of business or pursuant to an employment agreement shall not constitute stalking under this statute**.

§ 2. This act shall take effect immediately.

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

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