

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 Assem-
bly, do enact as follows:

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

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

14 § 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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