

STATE OF NEW YORK

417

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sen. THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to the commission of certain crimes by persons acting on behalf of a foreign government

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

1 Section 1. Section 135.65 of the penal law, as amended by section 3 of
2 part NN of chapter 55 of the laws of 2018, is amended to read as
3 follows:

4 § 135.65 Coercion in the first degree.

5 A person is guilty of coercion in the first degree when he or she
6 commits the crime of coercion in the third degree, and when:

7 1. He or she commits such crime by instilling in the victim a fear
8 that he or she will cause physical injury to a person or cause damage to
9 property; or

10 2. He or she thereby compels or induces the victim to:

11 (a) Commit or attempt to commit a felony; or

12 (b) Cause or attempt to cause physical injury to a person; or

13 (c) Violate his or her duty as a public servant~~[-]~~; or

14 3. He or she is acting on behalf of a foreign government.

15 Coercion in the first degree is a class D felony.

16 § 2. Subdivision 3 of section 135.25 of the penal law, as amended by
17 chapter 791 of the laws of 1967, is amended and a new subdivision 4 is
18 added to read as follows:

19 3. The person abducted dies during the abduction or before he or she
20 is able to return or to be returned to safety. Such death shall be
21 presumed, in a case where such person was less than sixteen years old or
22 an incompetent person at the time of the abduction, from evidence that
23 his or her parents, guardians or other lawful custodians did not see or
24 hear from him or her following the termination of the abduction and
25 prior to trial and received no reliable information during such period
26 persuasively indicating that he or she was alive. In all other cases,
27 such death shall be presumed from evidence that a person whom the person

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

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1 abducted would have been extremely likely to visit or communicate with
2 during the specified period were he or she alive and free to do so did
3 not see or hear from him or her during such period and received no reli-
4 able information during such period persuasively indicating that he or
5 she was alive[-]; or

6 4. He or she is acting on behalf of a foreign government.

7 § 3. Section 120.60 of the penal law, as amended by chapter 434 of the
8 laws of 2000, is amended to read as follows:

9 § 120.60 Stalking in the first degree.

10 A person is guilty of stalking in the first degree when he or she
11 commits the crime of stalking in the third degree as defined in subdivi-
12 sion three of section 120.50 or stalking in the second degree as defined
13 in section 120.55 of this article and, in the course and furtherance
14 thereof, he or she:

15 1. intentionally or recklessly causes physical injury to the victim of
16 such crime; or

17 2. commits a class A misdemeanor defined in article one hundred thirty
18 of this chapter, or a class E felony defined in section 130.25, 130.40
19 or 130.85 of this chapter, or a class D felony defined in section 130.30
20 or 130.45 of this chapter[-]; or

21 3. is acting on behalf of a foreign government.

22 Stalking in the first degree is a class D felony.

23 § 4. Subdivision 4 of section 120.10 of the penal law, as amended by
24 chapter 791 of the laws of 1967, is amended and a new subdivision 5 is
25 added to read as follows:

26 4. In the course of and in furtherance of the commission or attempted
27 commission of a felony or of immediate flight therefrom, he or she, or
28 another participant if there be any, causes serious physical injury to a
29 person other than one of the participants[-]; or

30 5. He or she is acting on behalf of a foreign government.

31 § 5. Section 156.10 of the penal law, as amended by chapter 558 of the
32 laws of 2006, is amended to read as follows:

33 § 156.10 Computer trespass.

34 A person is guilty of computer trespass when he or she knowingly uses,
35 causes to be used, or accesses a computer, computer service, or computer
36 network without authorization and:

37 1. he or she does so with an intent to commit or attempt to commit or
38 further the commission of any felony; or

39 2. he or she thereby knowingly gains access to computer material[-];
40 or

41 3. he or she is acting on behalf of a foreign government.

42 Computer trespass is a class E felony.

43 § 6. Subdivision 5 of section 240.31 of the penal law, as added by
44 chapter 74 of the laws of 2008, is amended and a new subdivision 6 is
45 added to read as follows:

46 5. Etches, paints, draws upon or otherwise places or displays a noose,
47 commonly exhibited as a symbol of racism and intimidation, on any build-
48 ing or other real property, public or private, owned by any person, firm
49 or corporation or any public agency or instrumentality, without express
50 permission of the owner or operator of such building or real
51 property[-]; or

52 6. Commits the crime of aggravated harassment in the second degree and
53 is acting on behalf of a foreign government.

54 § 7. This act shall take effect immediately.