STATE OF NEW YORK

5505

2023-2024 Regular Sessions

IN SENATE

March 6, 2023

Introduced by Sen. SCARCELLA-SPANTON -- 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 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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