

STATE OF NEW YORK

79--A

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. GALLIVAN, BORRELLO, GRIFFO, HELMING, LANZA, MATTERA, MURRAY, OBERACKER, O'MARA, ORTT, PALUMBO, RHOADS, STEC, TEDISCO, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law and the criminal procedure law, in relation to establishing the crime of doxing a police officer, peace officer, or state officer

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

1 Section 1. The penal law is amended by adding a new section 240.33 to
2 read as follows:

3 § 240.33 Doxing a police officer, peace officer, or state officer.

4 A person is guilty of doxing a police officer, peace officer, or state
5 officer when he or she knowingly makes restricted personal information
6 about a police officer, peace officer, state officer, or a member of the
7 immediate family of such officer, publicly available:

8 1. With the intent to threaten, intimidate, or incite the commission
9 of a crime of violence against the police officer, peace officer, state
10 officer, or a member of the immediate family of such officer; or

11 2. With the intent and knowledge that the restricted personal informa-
12 tion will be used to threaten, intimidate, or facilitate the commission
13 of a crime of violence against the police officer, peace officer, state
14 officer, or a member of the immediate family of such officer.

15 Under this section, police officer and peace officer are as defined
16 under section 1.20 of the criminal procedure law, and state officer is
17 as defined under section two of the public officers law.

18 Doxing of a police officer, peace officer, or state officer shall be a
19 class D felony.

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

LBD00538-04-3

§ 2. Paragraphs (t) and (u) of subdivision 4 of section 510.10 of the criminal procedure law, paragraph (t) as amended and paragraph (u) as added by section 2 of subpart B of part UU of chapter 56 of the laws of 2022, are amended and a new paragraph (v) is added to read as follows:

(t) any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law, where such charge arose from conduct occurring while the defendant was released on his or her own recognizance, released under conditions, or had yet to be arraigned after the issuance of a desk appearance ticket for a separate felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law, provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision. For the purposes of this paragraph, "harm to an identifiable person or property" shall include but not be limited to theft of or damage to property. However, based upon a review of the facts alleged in the accusatory instrument, if the court determines that such theft is negligible and does not appear to be in furtherance of other criminal activity, the principal shall be released on his or her own recognizance or under appropriate non-monetary conditions; ~~[ex]~~

(u) criminal possession of a weapon in the third degree as defined in subdivision three of section 265.02 of the penal law or criminal sale of a firearm to a minor as defined in section 265.16 of the penal law~~[+]~~;

or
(v) doxing a police officer, peace officer, or state officer as defined under section 240.33 of the penal law.

§ 3. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of section 530.20 of the criminal procedure law, paragraph (xx) as amended and paragraph (xxi) as added by section 4 of subpart C of part UU of chapter 56 of the laws of 2022, are amended and a new subparagraph (xxii) is added to read as follows:

(xx) any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law where such charge arose from conduct occurring while the defendant was released on his or her own recognizance, released under conditions, or had yet to be arraigned after the issuance of a desk appearance ticket for a separate felony or class A misdemeanor involving harm to an identifiable person or property, provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision. For the purposes of this paragraph, "harm to an identifiable person or property" shall include but not be limited to theft of or damage to property. However, based upon a review of the facts alleged in the accusatory instrument, if the court determines that such theft is negligible and does not appear to be in furtherance of other criminal activity, the principal shall be released on his or her own recognizance or under appropriate non-monetary conditions; ~~[ex]~~

(xxi) criminal possession of a weapon in the third degree as defined in subdivision three of section 265.02 of the penal law or criminal sale

1 of a firearm to a minor as defined in section 265.16 of the penal
2 law[~~+~~]; or

3 (xxii) doxing a police officer, peace officer, or state officer as
4 defined under section 240.33 of the penal law.

5 § 4. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
6 criminal procedure law, paragraph (t) as amended and paragraph (u) as
7 added by section 4 of subpart B of part UU of chapter 56 of the laws of
8 2022, are amended and a new paragraph (v) is added to read as follows:

9 (t) any felony or class A misdemeanor involving harm to an identifi-
10 able person or property, or any charge of criminal possession of a
11 firearm as defined in section 265.01-b of the penal law, where such
12 charge arose from conduct occurring while the defendant was released on
13 his or her own recognizance, released under conditions, or had yet to be
14 arraigned after the issuance of a desk appearance ticket for a separate
15 felony or class A misdemeanor involving harm to an identifiable person
16 or property, or any charge of criminal possession of a firearm as
17 defined in section 265.01-b of the penal law, provided, however, that
18 the prosecutor must show reasonable cause to believe that the defendant
19 committed the instant crime and any underlying crime. For the purposes
20 of this subparagraph, any of the underlying crimes need not be a quali-
21 fying offense as defined in this subdivision. For the purposes of this
22 paragraph, "harm to an identifiable person or property" shall include
23 but not be limited to theft of or damage to property. However, based
24 upon a review of the facts alleged in the accusatory instrument, if the
25 court determines that such theft is negligible and does not appear to be
26 in furtherance of other criminal activity, the principal shall be
27 released on his or her own recognizance or under appropriate non-mone-
28 tary conditions; [~~ex~~]

29 (u) criminal possession of a weapon in the third degree as defined in
30 subdivision three of section 265.02 of the penal law or criminal sale of
31 a firearm to a minor as defined in section 265.16 of the penal law[~~+~~];
32 or

33 (v) doxing a police officer, peace officer, or state officer as
34 defined under section 240.33 of the penal law.

35 § 5. This act shall take effect on the thirtieth day after it shall
36 have become a law.