

STATE OF NEW YORK

10676

IN ASSEMBLY

August 28, 2024

Introduced by M. of A. BLUMENCRANZ -- read once and referred to the
Committee on Consumer Affairs and Protection

AN ACT to amend the general business law and the penal law, in relation
to the enforcement of the prohibition on the use of wireless signal
jammer devices

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

1 Section 1. This act shall be known and may be cited as the "wireless
2 security enforcement (WiSE) act".

3 § 2. The general business law is amended by adding a new section 390-
4 cc to read as follows:

5 § 390-cc. Sale of prohibited wireless signal jammer devices. 1. For
6 the purposes of this section, "wireless signal jammer device" means any
7 device that prohibits the operation, manufacture, importation, market-
8 ing, and sale of equipment designed to jam or otherwise interfere with
9 authorized radio communications, such as radar, internet, global posi-
10 tioning system (GPS), and cell phone communications.

11 2. Upon notice by any local or state law enforcement agency, any busi-
12 ness or establishment that engages in the manufacture, importation,
13 marketing, or sale of wireless signal jammer devices shall be prohibited
14 from operating said business or establishment within the state for a
15 period of at least one year. This provision shall not be construed to
16 absolve said business or establishment from any other penalties pursuant
17 to local, state or federal law.

18 3. (a) Whenever it appears to the attorney general, either upon
19 complaint or otherwise, that any person, within or outside the state,
20 has engaged in or is about to engage in any of the acts or practices
21 stated to be unlawful in this section, the attorney general may bring an
22 action or special proceeding in the name and on behalf of the people of
23 the state of New York to enjoin any violation of this section, to obtain
24 restitution of any moneys or property obtained directly or indirectly by
25 any such violation, to obtain disgorgement of any profits or gains
26 obtained directly or indirectly by any such violation, including but not
27 limited to the destruction of unlawfully obtained data and algorithms

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

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1 trained on such data, to obtain damages caused directly or indirectly by
2 any such violation, to obtain civil penalties which may exceed one
3 hundred thousand dollars per violation, and to obtain any such other and
4 further relief as the court may deem proper, including preliminary
5 relief.

6 (b) Any property owner or business owner who has been injured by a
7 violation of this section which resulted in the commission of a crime to
8 a person, person's property, or a person's business may bring an action
9 to obtain:

10 (i) Damages which may exceed one hundred thousand dollars per incident
11 or actual damages, whichever is greater;

12 (ii) Injunctive or declaratory relief; and/or

13 (iii) Any other relief the court deems proper.

14 4. The court may award reasonable attorneys' fees to a prevailing
15 plaintiff.

16 § 3. The penal law is amended by adding a new article 157 to read as
17 follows:

18 ARTICLE 157

19 OFFENSES INVOLVING PROHIBITED WIRELESS SIGNAL JAMMER DEVICES

20 Section 157.00 Offenses involving prohibited wireless signal jammer
21 devices; definitions of terms.

22 157.05 Prohibited use of wireless signal jammer devices.

23 § 157.00 Offenses involving prohibited wireless signal jammer devices;
24 definitions of terms.

25 For the purposes of this article, "wireless signal jammer device"
26 means any device that prohibits the operation, manufacture, importation,
27 marketing, and sale of equipment designed to jam or otherwise interfere
28 with authorized radio communications, such as radar, internet, global
29 positioning system (GPS), and cell phone communications.

30 § 157.05 Prohibited use of wireless signal jammer devices.

31 A person is guilty of prohibited use of a wireless signal jammer
32 device if they engage in the possession, manufacture, importation,
33 marketing, or sale of wireless signal jammer devices.

34 Prohibited use of a wireless signal jammer device is a class D felony.

35 § 4. Section 60.27 of the penal law is amended by adding a new subdi-
36 vision 15 to read as follows:

37 15. Notwithstanding any other provision of this section to the contra-
38 ry, when a person is convicted of prohibited use of a wireless signal
39 jammer device as defined in section 157.05 of this chapter, the court,
40 in addition to any other sentence, shall order the payment of restitu-
41 tion to the person who was harmed, directly or indirectly, by the
42 prohibited use of a wireless signal jammer device.

43 § 5. This act shall take effect immediately.