STATE OF NEW YORK

1530

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. WOERNER, FAHY -- read once and referred to the Committee on Codes

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	<u>§ 240.33 Doxing a police officer, peace officer, or state officer.</u>
4	<u>A person is guilty of doxing a police officer, peace officer, or state</u>
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	<u>class D felony.</u>
20	§ 2. Paragraphs (t) and (u) of subdivision 4 of section 510.10 of the
21	criminal procedure law, paragraph (t) as amended and paragraph (u) as
22	added by section 2 of subpart B of part UU of chapter 56 of the laws of
23	2022, are amended and a new paragraph (v) is added to read as follows:

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

LBD00538-03-3

(t) any felony or class A misdemeanor involving harm to an identifi-1 able person or property, or any charge of criminal possession of a 2 firearm as defined in section 265.01-b of the penal law, where such 3 4 charge arose from conduct occurring while the defendant was released on 5 his or her own recognizance, released under conditions, or had yet to be 6 arraigned after the issuance of a desk appearance ticket for a separate 7 felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as 8 9 defined in section 265.01-b of the penal law, provided, however, that 10 the prosecutor must show reasonable cause to believe that the defendant 11 committed the instant crime and any underlying crime. For the purposes 12 of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision. For the purposes of this 13 14 paragraph, "harm to an identifiable person or property" shall include 15 but not be limited to theft of or damage to property. However, based 16 upon a review of the facts alleged in the accusatory instrument, if the 17 court determines that such theft is negligible and does not appear to be 18 in furtherance of other criminal activity, the principal shall be released on his or her own recognizance or under appropriate non-mone-19 20 tary conditions; [er]

(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[\cdot]; or

25 (v) doxing a police officer, peace officer, or state officer as
26 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:

32 (xx) any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a 33 34 firearm as defined in section 265.01-b of the penal law where such 35 charge arose from conduct occurring while the defendant was released on 36 his or her own recognizance, released under conditions, or had yet to be 37 arraigned after the issuance of a desk appearance ticket for a separate 38 felony or class A misdemeanor involving harm to an identifiable person 39 or property, provided, however, that the prosecutor must show reasonable 40 cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the 41 42 underlying crimes need not be a qualifying offense as defined in this 43 subdivision. For the purposes of this paragraph, "harm to an identifi-44 able person or property" shall include but not be limited to theft of or 45 damage to property. However, based upon a review of the facts alleged in 46 the accusatory instrument, if the court determines that such theft is 47 negligible and does not appear to be in furtherance of other criminal 48 activity, the principal shall be released on his or her own recognizance 49 or under appropriate non-monetary conditions; [or]

50 (xxi) criminal possession of a weapon in the third degree as defined 51 in subdivision three of section 265.02 of the penal law or criminal sale 52 of a firearm to a minor as defined in section 265.16 of the penal 53 law[-]; or

54 <u>(xxii) doxing a police officer, peace officer, or state officer as</u> 55 <u>defined under section 240.33 of the penal law.</u> 1 § 4. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the 2 criminal procedure law, paragraph (t) as amended and paragraph (u) as 3 added by section 4 subpart B of of part UU of chapter 56 of the laws of 4 2022, are amended a new paragraph (v) is added to read as follows:

5 (t) any felony or class A misdemeanor involving harm to an identifi-6 able person or property, or any charge of criminal possession of a 7 firearm as defined in section 265.01-b of the penal law, where such 8 charge arose from conduct occurring while the defendant was released on 9 his or her own recognizance, released under conditions, or had yet to be 10 arraigned after the issuance of a desk appearance ticket for a separate 11 felony or class A misdemeanor involving harm to an identifiable person 12 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 13 14 the prosecutor must show reasonable cause to believe that the defendant 15 committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a quali-16 17 fying offense as defined in this subdivision. For the purposes of this paragraph, "harm to an identifiable person or property" shall include 18 but not be limited to theft of or damage to property. However, based 19 upon a review of the facts alleged in the accusatory instrument, if the 20 21 court determines that such theft is negligible and does not appear to be 22 in furtherance of other criminal activity, the principal shall be 23 released on his or her own recognizance or under appropriate non-mone-24 tary conditions; [or]

25 (u) criminal possession of a weapon in the third degree as defined in 26 subdivision three of section 265.02 of the penal law or criminal sale of 27 a firearm to a minor as defined in section 265.16 of the penal law[\cdot]: 28 <u>or</u>

29 (v) doxing a police officer, peace officer, or state officer as 30 defined under section 240.33 of the penal law.

31 § 5. This act shall take effect on the thirtieth day after it shall 32 have become a law.