STATE OF NEW YORK

5186

2023-2024 Regular Sessions

IN ASSEMBLY

March 3, 2023

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

AN ACT to amend the penal law, in relation to establishing the crimes of harassment of a law enforcement officer or a member of the officer's family in the first degree and second degree

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

Section 1. The penal law is amended by adding two new sections 240.27 and 240.28 to read as follows:

§ 240.27 Harassment of a law enforcement officer or a member of the officer's family in the first degree.

1. A person is guilty of harassment of a law enforcement officer or a member of the officer's family in the first degree when, with intent to harass, annoy, threaten or alarm a law enforcement officer or a member of a law enforcement officer's same family or household, as defined in subdivision one of section 530.11 of the criminal procedure law, because of a belief or perception regarding such person's status as a law enforcement officer or a member of a law enforcement officer's same family or household, regardless of whether the belief or perception is correct, he or she:

(a) communicates, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail or electronic mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, such person, or a member of such person's same family or household as defined in subdivision one of section 530.11 of the criminal procedure law, and the actor knows or reasonably should know that such communication will cause such person to reasonably fear harm to such person's physical safety or property, or to the physical safety or property of a member of such person's same family or household; or

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

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(b) causes a communication to be initiated anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail or electronic mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, such person, or a member of such person's same family or household as defined in subdivision one of section 530.11 of the criminal procedure law, and the actor knows or reasonably should know that such communication will cause such person to reasonably fear harm to such person's physical safety or property, or to the physical safety or property of a member of such person's same family or household; or

2. For purposes of this section the term "law enforcement officer" means any active or retired city or state law enforcement officer, peace officer, sheriff, deputy sheriff, probation or parole officer, marshal, deputy, wildlife enforcement agency, county or state correctional officer, fire marshal or commissioned agent of the department of corrections and community supervision, as well as any federal law enforcement officer or employee, whose permanent duties include making arrests, performing search and seizures, execution of criminal arrest warrants, execution of civil seizure warrants, any civil functions performed by sheriffs or deputy sheriffs, enforcement of penal or traffic laws, or the care, custody, control or supervision of inmates.

Harassment of a law enforcement officer or a member of the officer's family in the first degree is a class E felony.

§ 240.28 Harassment of a law enforcement officer or a member of the officer's family in the second degree.

1. A person is guilty of harassment of a law enforcement officer or a member of the officer's family in the second degree when, with intent to harass, annoy or alarm a law enforcement officer or a member of a law enforcement officer's same family or household as defined in subdivision one of section 530.11 of the criminal procedure law, he or she:

(a) strikes, shoves, kicks or otherwise subjects such law enforcement officer or a member of a law enforcement officer's same family or household to physical contact, or attempts or threatens to do the same; or

(b) follows a law enforcement officer or a member of a law enforcement officer's same family or household in or about a public place or places; or

(c) engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such law enforcement officer or member of a law enforcement officer's same family or household and which serve no legitimate purpose.

2. For purposes of this section the term "law enforcement officer" means any active or retired city or state law enforcement officer, peace officer, sheriff, deputy sheriff, probation or parole officer, marshal, deputy, wildlife enforcement agency, county or state correctional officer, fire marshal or commissioned agent of the department of corrections and community supervision, as well as any federal law enforcement officer or employee, whose permanent duties include making arrests, performing search and seizures, execution of criminal arrest warrants, execution of civil seizure warrants, any civil functions performed by sheriffs or deputy sheriffs, enforcement of penal or traffic laws, or the care, custody, control or supervision of inmates.

Harassment of a law enforcement officer or a member of the officer's family in the second degree is a class B misdemeanor.

§ 2. This act shall take effect immediately.