

STATE OF NEW YORK

7299

2025-2026 Regular Sessions

IN SENATE

April 9, 2025

Introduced by Sens. GALLIVAN, BORRELLO, OBERACKER, RHOADS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the criminal procedure law, in relation to creating the crime of tampering with electronic monitoring equipment

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 145.75 to
2 read as follows:

3 § 145.75 Tampering with electronic monitoring equipment.

4 1. For purposes of this section, "electronic monitoring equipment"
5 means an instrument or device utilized as a condition of a securing
6 order pursuant to article five hundred ten or five hundred thirty of the
7 criminal procedure law, or in accordance with subdivision four of
8 section 65.10 of this chapter.

9 2. A person is guilty of tampering with electronic monitoring equip-
10 ment when, having no right to do so nor any reasonable grounds to
11 believe that such person has such right, such person tampers with elec-
12 tronic monitoring equipment, or damages or otherwise alters such elec-
13 tronic monitoring equipment in an effort to interfere with any signal,
14 impulse or data being transmitted by such electronic monitoring equip-
15 ment.

16 Tampering with electronic monitoring equipment is a class E felony.

17 § 2. Paragraphs (t) and (u) of subdivision 4 of section 510.10 of the
18 criminal procedure law, paragraph (t) as amended and paragraph (u) as
19 added by section 2 of subpart B of part UU of chapter 56 of the laws of
20 2022, are amended and a new paragraph (v) is added to read as follows:

21 (t) any felony or class A misdemeanor involving harm to an identifi-
22 able person or property, or any charge of criminal possession of a
23 firearm as defined in section 265.01-b of the penal law, where such

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

LBD05631-01-5

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

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

23 (v) tampering with electronic monitoring equipment as defined in
24 section 145.75 of the penal law.

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

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

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

53 (xxii) tampering with electronic monitoring equipment as defined in
54 section 145.75 of the penal law.

55 § 4. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
56 criminal procedure law, paragraph (t) as amended and paragraph (u) as

1 added by section 4 of subpart B of part UU of chapter 56 of the laws of
2 2022, are amended and a new paragraph (v) is added to read as follows:

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

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

28 (v) tampering with electronic monitoring equipment as defined in
29 section 145.75 of the penal law.

30 § 5. This act shall take effect immediately.