

PROGRAM BILL # 43

S. Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

PENALA
(Relates to the crime of aggravated
harassment in the second degree)

Pen L. aggravated harassment; 2nd

AN ACT

to amend the penal law and the execu-
tive law, in relation to aggravated
harassment in the second degree

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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s02 Flanagan	s28 Krueger	s55 O'Brien	s51 Seward
s11 Avella	s59 Gallivan	s24 Lanza	s58 O'Mara	s09 Skelos
s40 Ball	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s42 Bonacic	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s04 Boyle	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s44 Breslin	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart-
s38 Carlucci	s60 Grisanti	s45 Little	s48 Ritchie	Cousins
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s33 Rivera	s46 Tkaczyk
s32 Diaz	s36 Hassell-	s43 Marchione	s56 Robach	s53 Valesky
s18 Dilan	Thompson	s07 Martins	s19 Sampson	s57 Young
s31 Espaillat	s27 Hoylman	s62 Maziarz	s10 Sanders	s03 Zeldin
s49 Farley	s63 Kennedy	s25 Montgomery	s23 Savino	s08
s17 Felder	s34 Klein	s54 Nozzolio	s29 Serrano	s20

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a147 DiPietro	a076 Kellner	a132 Palmesano	a099 Skoufis
a092 Abinanti	a115 Duprey	a040 Kim	a002 Palumbo	a022 Solages
a084 Arroyo	a004 Englebright	a131 Kolb	a088 Paulin	a114 Stec
a035 Aubry	a109 Fahy	a105 Lalor	a141 Peoples-	a110 Steck
a120 Barclay	a071 Farrell	a013 Lavine	Stokes	a127 Sturpe
a106 Barrett	a126 Finch	a050 Lentol	a058 Perry	a011 Sweeney
a082 Benedetto	a008 Fitzpatrick	a125 Lifton	a086 Pichardo	a112 Tedisco
a117 Blankenbush	a124 Friend	a102 Lopez, P.	a089 Pretlow	a101 Tenney
a062 Borelli	a095 Galef	a123 Lupardo	a073 Quart	a001 Thiele
a026 Braunstein	a137 Gantt	a010 Lupinacci	a019 Ra	a061 Titone
a044 Brennan	a007 Garbarino	a121 Magee	a012 Raia	a031 Titus
a119 Brindisi	a148 Giglio	a129 Magnarelli	a006 Ramos	a146 Walter
a138 Bronson	a080 Gjonaj	a064 Malliotakis	a078 Rivera	a041 Weinstein
a046 Brook-Krasny	a066 Glick	a030 Markey	a128 Roberts	a020 Weisenberg
a093 Buchwald	a023 Goldfeder	a090 Mayer	a056 Robinson	a024 Weprin
a118 Butler	a150 Goodell	a108 McDonald	a068 Rodriguez	a070 Wright
a103 Cahill	a075 Gottfried	a014 McDonough	a072 Rosa	a096 Zebrowski
a043 Camara	a005 Graf	a017 McKeivitt	a067 Rosenthal	a054
a145 Ceretto	a100 Gunther	a107 McLaughlin	a025 Rozić	a055
a033 Clark	a139 Hawley	a038 Miller	a116 Russell	a059
a047 Colton	a083 Heastie	a052 Millman	a149 Ryan	a060
a032 Cook	a003 Hennessey	a015 Montesano	a009 Saladino	a077
a144 Corwin	a028 Hevesi	a136 Morelle	a111 Santabarbara	a079
a085 Crespo	a048 Hikind	a057 Mosley	a029 Scarborough	a098
a122 Crouch	a018 Hooper	a039 Moya	a016 Schimel	a113
a021 Curran	a042 Jacobs	a133 Nojay	a140 Schimminger	a134
a063 Cusick	a097 Jaffee	a037 Nolan	a087 Sepulveda	a143
a045 Cymbrowitz	a135 Johns	a130 Oaks	a065 Silver	
a053 Davila	a094 Katz	a069 O'Donnelli	a027 Simanowitz	
a034 DenDekker	a074 Kavanagh	a051 Ortiz	a036 Simotas	
a081 Dinowitz	a142 Kearns	a091 Otis	a104 Skartados	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

1 Section 1. Section 240.30 of the penal law, as amended by chapter 510
2 of the laws of 2008, subdivision 4 as added and subdivisions 5 and 6 as
3 renumbered by section 4 of part D of chapter 491 of the laws of 2012, is
4 amended to read as follows:

5 § 240.30 Aggravated harassment in the second degree.

6 A person is guilty of aggravated harassment in the second degree
7 when[, with intent to harass, annoy, threaten or alarm another person,
8 he or she]:

9 1. [Either] With intent to harass another person, the actor either:

10 (a) communicates [with a person], anonymously or otherwise, by tele-
11 phone, by [telegraph,] computer or any other electronic means, or by
12 mail, or by transmitting or delivering any other form of [written]
13 communication, [in a manner likely to cause annoyance or alarm] a threat
14 to cause physical harm to, or unlawful harm to the property of, such
15 person, or a member of such person's same family or household as defined
16 in subdivision one of section 530.11 of the criminal procedure law, and
17 the actor knows or reasonably should know that such communication will
18 cause such person to reasonably fear harm to such person's physical
19 safety or property, or to the physical safety or property of a member of
20 such person's same family or household; or

21 (b) causes a communication to be initiated [by mechanical or electron-
22 ic means or otherwise with a person,] anonymously or otherwise, by tele-
23 phone, by [telegraph,] computer or any other electronic means, or by
24 mail, or by transmitting or delivering any other form of [written]
25 communication, [in a manner likely to cause annoyance or alarm] a threat
26 to cause physical harm to, or unlawful harm to the property of, such
27 person, a member of such person's same family or household as defined in
28 subdivision one of section 530.11 of the criminal procedure law, and the

1 actor knows or reasonably should know that such communication will cause
2 such person to reasonably fear harm to such person's physical safety or
3 property, or to the physical safety or property of a member of such
4 person's same family or household; or

5 2. [Makes] With intent to harass or threaten another person, he or she
6 makes a telephone call, whether or not a conversation ensues, with no
7 purpose of legitimate communication; or

8 3. [Strikes] With the intent to harass, annoy, threaten or alarm
9 another person, he or she strikes, shoves, kicks, or otherwise subjects
10 another person to physical contact, or attempts or threatens to do the
11 same because of a belief or perception regarding such person's race,
12 color, national origin, ancestry, gender, religion, religious practice,
13 age, disability or sexual orientation, regardless of whether the belief
14 or perception is correct; or

15 4. [Strikes] With the intent to harass, annoy, threaten or alarm
16 another person, he or she strikes, shoves, kicks or otherwise subjects
17 another person to physical contact thereby causing physical injury to
18 such person or to a family or household member of such person as defined
19 in section 530.11 of the criminal procedure law[.]; or

20 5. [Commits] He or she commits the crime of harassment in the first
21 degree and has previously been convicted of the crime of harassment in
22 the first degree as defined by section 240.25 of this article within the
23 preceding ten years.

24 [6. For the purposes of subdivision one of this section, "form of
25 written communication" shall include, but not be limited to, a recording
26 as defined in subdivision six of section 275.00 of this part.]

27 Aggravated harassment in the second degree is a class A misdemeanor.

1 § 2. Subdivision 12 of section 631 of the executive law, as amended by
2 chapter 534 of the laws of 2011, is amended to read as follows:

3 12. Notwithstanding the provisions of subdivisions one, two and three
4 of this section, an individual who was a victim of either the crime of
5 menacing in the second degree as defined in subdivision two or three of
6 section 120.14 of the penal law, menacing in the first degree as defined
7 in section 120.13 of the penal law, criminal obstruction of breathing or
8 blood circulation as defined in section 121.11 of the penal law, harass-
9 ment in the second degree as defined in subdivision two or three of
10 section 240.26 of the penal law, harassment in the first degree as
11 defined in section 240.25 of the penal law, aggravated harassment in the
12 second degree as defined in subdivision [four] five of section 240.30 of
13 the penal law, aggravated harassment in the first degree as defined in
14 subdivision two of section 240.31 of the penal law, criminal contempt in
15 the first degree as defined in paragraph (ii) or (iv) of subdivision (b)
16 or subdivision (c) of section 215.51 of the penal law, or stalking in
17 the fourth, third, second or first degree as defined in sections 120.45,
18 120.50, 120.55 and 120.60 of the penal law, respectively, who has not
19 been physically injured as a direct result of such crime shall only be
20 eligible for an award that includes loss of earning or support, the
21 unreimbursed cost of repair or replacement of essential personal proper-
22 ty that has been lost, damaged or destroyed as a direct result of such
23 crime, the unreimbursed cost for security devices to enhance the
24 personal protection of such victim, transportation expenses incurred for
25 necessary court expenses in connection with the prosecution of such
26 crime, the unreimbursed costs of counseling provided to such victim on
27 account of mental or emotional stress resulting from the incident in

1 which the crime occurred, reasonable relocation expenses, and for occu-
2 pational or job training.

3 § 3. This act shall take effect immediately.