



Legislation Text

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Res. No. 1010

Resolution calling on the State Legislature to amend the penal law and the criminal procedure law to make stalking by technological means illegal, and to increase the penalties for such acts.

By Council Members Vallone Jr., Brewer, Fidler, Gentile, Gerson, Gonzalez, Koppell, Nelson, Stewart, Weprin, Liu, Lanza and Oddo

Whereas, The prevalence of electronic stalking throughout the country is growing at a dangerous and alarming rate, continuing to induce terror in victims, and in some cases escalating to face-to-face encounters and physical violence; and

Whereas, Electronic stalking consists of using technological means, such as illegal wiretapping, cell phones, caller identification, the internet, cameras, global positioning systems and any other type of tracking device, to engage in a course of conduct that is likely to cause reasonable fear of material harm to the physical health, safety or property of another person; and

Whereas, For example, in a recent case in Wisconsin, the stalker had placed a global positioning system device between the radiator and the grill of the victim's car, enabling the stalker to track the victim wherever and whenever he wanted; and

Whereas, New York State's Stalking Law was enacted in 1999, and since that time the availability of new and ever more sophisticated technological means which can be utilized by a stalker to further his or her purpose has greatly increased; and

Whereas, Current New York law on stalking did not foresee the use of technological means to commit stalking crimes and therefore the law needs to be updated to prohibit the use of technology in any form in the furtherance of stalking and to increase the penalty for such use; and

Whereas, Due to the anonymous nature of the Internet, as well as the availability of personal information, and the fact that many Internet Service Providers erase their records every day, electronic stalking is becoming very attractive to would-be offenders, and increasingly difficult to prosecute; and

Whereas, The seriousness of the crime of electronic stalking cannot be overstated given the real threat the stalker represents, the disruption in the life of the victim, the facility with which a stalker can influence third parties to harass or threaten the victim, and the incidence of stalking escalating to face-to-face encounters, physical violence, and homicide; and

Whereas, Several bills are pending in the State Legislature to confront this growing problem, including S851 and A1944, which provide that stalking by technological means is prohibited and shall be included in the crimes of stalking in the first, second and third degrees; this bill was adopted by the New York State Senate and awaits action in the Assembly; and

Whereas, Another bill, A7031, addressing a specific type of stalking, makes it a felony to intentionally make an electronic communication that includes personal identifying information when such communication is likely to cause a person to reasonably fear death, serious physical injury or kidnapping; and

Whereas, Common-sense legislation must be adopted that treats electronic stalking with the same intolerance and gravity as offline or conventional stalking; and

Whereas, An amendment to current law is vital to create a much stronger deterrent for potential electronic stalkers, while ensuring that guilty electronic stalkers are incarcerated for a sufficient and appropriate amount of time; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the penal law and the criminal procedure law to make stalking by technological means illegal, and to increase the penalties for such acts.

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