

BILL TEXT:

STATE OF NEW YORK

4383--C

Cal. No. 1065

2007-2008 Regular Sessions

IN SENATE

April 12, 2007

Introduced by Sens. SKELOS, FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to enacting the "freedom to report terrorism act"

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

- 1 Section 1. This act shall be known and may be cited as the "freedom to
2 report terrorism act".
3 § 2. The penal law is amended by adding a new section 490.01 to read
4 as follows:
5 § 490.01 Liability protection.
6 1. Any person who makes a qualified disclosure of suspicious behavior
7 shall be immune from civil and criminal liability for reporting such
8 behavior.
9 2. For purposes of this article, "qualified disclosure of suspicious
10 behavior" means any disclosure of allegedly suspicious behavior of
11 another individual or individuals to any person that is made in good
12 faith and with the reasonable belief that such suspicious behavior
13 constitutes, is indicative of, or is in furtherance of a crime or an act
14 of terrorism.
15 3. An action alleging that a statement or disclosure by a person of
16 any suspicious transaction, activity or occurrence indicating that an
17 individual may be engaging in or preparing to engage in suspicious

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

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1 behavior which constitutes, is indicative of, or is in furtherance of, a
2 crime or an act of terrorism was not made in good faith and with the
3 reasonable belief that such suspicious behavior constitutes, is indic-
4 ative of, or is in furtherance of, a crime or an act of terrorism must
5 be pled with particularity pursuant to subdivision (b) of rule three
6 thousand sixteen of the civil practice law and rules.

7 § 3. This act shall take effect immediately.
