



Legislation Text

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Int. No. 808

By Council Member Gentile

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the public use of portable devices that can receive or transmit signals on the frequencies designated for police or fire department use

Be it enacted by the Council as follows:

Section 1. Section 10-102 of the administrative code of the city of New York is amended to read as follows:

§ 10-102 [Permit for equipping automobiles with radio receiving sets capable of receiving signals on frequencies allocated for police use; fee] Unlawful interference with police or fire department frequencies and use of portable receivers. a. It shall be unlawful for any person to: 1. Knowingly interfere with the reception or transmission of radio messages by the police or fire department, or
2. Use a portable device for the purpose of receiving or transmitting signals on frequencies allocated for police or fire department use, equip an automobile with a portable device, radio receiving set capable of receiving signals on the frequencies allocated for police use, or use or possess an automobile so equipped, without a permit issued by the police commissioner, in his or her discretion, and in accordance with such regulations as the commissioner may prescribe. Such permit shall expire one year from the date of issuance thereof, unless sooner revoked by the commissioner, and shall not be transferred from the portable device or vehicle [in] for which [it was installed at the time] the [license] permit was issued. The annual fee for such permit shall be twenty-five dollars [for each automobile so equipped]. A permit may be renewed upon the payment of a like sum and under like conditions.

b. For the purposes of this section, the term “portable device” shall mean any portable receiver or transmitter, including a device that may be affixed to or installed in an automobile, capable of receiving or transmitting signals on frequencies allocated for use by police or fire department personnel. Such portable devices shall include: (i) radio receiving sets; (ii) portable transmitter sets; (iii) mobile devices, including cellular phones as defined by section 166 of this title, and mobile computers such as laptops and tablets.

c. The police commissioner is authorized, in his or her discretion, to issue permits for [radio receiving sets] portable devices [capable of receiving signals on the frequencies allocated to police use] to employees of federal, state and municipal bureaus and departments without requiring the payment of the annual fee for such permit as required by paragraph 2 of subdivision a of this section [herein provided].

d. Subdivision a of this section shall not apply to: 1. Peace officers as defined by section 2.10 of the New York code of criminal procedure, the police or fire department or any agent thereof, acting pursuant to their official duties; and

2. Any person who holds a valid amateur radio operator’s license issued by the federal communications commission and who operates a duly licensed portable mobile transmitter, and in connection therewith, a receiver or receiving set on frequencies exclusively allocated by the federal communications commission to duly licensed radio amateurs.

[c] e. Violations. Any person who [shall violate] violates any provision of this section, upon conviction thereof, shall be punished by a fine of not more than [twenty-five] five hundred dollars, or imprisonment for thirty days, or both.

§ 2. This local law shall take effect 120 days after enactment.

[CC]
LS#3751
[Date and time]