

951--A

Cal. No. 353

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sens. PARKER, AVELLA, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- 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

AN ACT to amend the penal law, in relation to bias-related graffiti

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 3 of section 485.05 of the penal law, as  
2 amended by chapter 405 of the laws of 2010, is amended to read as  
3 follows:  
4     3. A "specified offense" is an offense defined by any of the following  
5 provisions of this chapter: section 120.00 (assault in the third  
6 degree); section 120.05 (assault in the second degree); section 120.10  
7 (assault in the first degree); section 120.12 (aggravated assault upon a  
8 person less than eleven years old); section 120.13 (menacing in the  
9 first degree); section 120.14 (menacing in the second degree); section  
10 120.15 (menacing in the third degree); section 120.20 (reckless endan-  
11 germent in the second degree); section 120.25 (reckless endangerment in  
12 the first degree); section 121.12 (strangulation in the second degree);  
13 section 121.13 (strangulation in the first degree); subdivision one of  
14 section 125.15 (manslaughter in the second degree); subdivision one, two  
15 or four of section 125.20 (manslaughter in the first degree); section  
16 125.25 (murder in the second degree); section 120.45 (stalking in the  
17 fourth degree); section 120.50 (stalking in the third degree); section  
18 120.55 (stalking in the second degree); section 120.60 (stalking in the  
19 first degree); subdivision one of section 130.35 (rape in the first  
20 degree); subdivision one of section 130.50 (criminal sexual act in the  
21 first degree); subdivision one of section 130.65 (sexual abuse in the

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

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1 first degree); paragraph (a) of subdivision one of section 130.67  
2 (aggravated sexual abuse in the second degree); paragraph (a) of subdivi-  
3 sion one of section 130.70 (aggravated sexual abuse in the first  
4 degree); section 135.05 (unlawful imprisonment in the second degree);  
5 section 135.10 (unlawful imprisonment in the first degree); section  
6 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in  
7 the first degree); section 135.60 (coercion in the second degree);  
8 section 135.65 (coercion in the first degree); section 140.10 (criminal  
9 trespass in the third degree); section 140.15 (criminal trespass in the  
10 second degree); section 140.17 (criminal trespass in the first degree);  
11 section 140.20 (burglary in the third degree); section 140.25 (burglary  
12 in the second degree); section 140.30 (burglary in the first degree);  
13 section 145.00 (criminal mischief in the fourth degree); section 145.05  
14 (criminal mischief in the third degree); section 145.10 (criminal  
15 mischief in the second degree); section 145.12 (criminal mischief in the  
16 first degree); SECTION 145.60 (MAKING GRAFFITI); section 150.05 (arson  
17 in the fourth degree); section 150.10 (arson in the third degree);  
18 section 150.15 (arson in the second degree); section 150.20 (arson in  
19 the first degree); section 155.25 (petit larceny); section 155.30 (grand  
20 larceny in the fourth degree); section 155.35 (grand larceny in the  
21 third degree); section 155.40 (grand larceny in the second degree);  
22 section 155.42 (grand larceny in the first degree); section 160.05  
23 (robbery in the third degree); section 160.10 (robbery in the second  
24 degree); section 160.15 (robbery in the first degree); section 240.25  
25 (harassment in the first degree); subdivision one, two or four of  
26 section 240.30 (aggravated harassment in the second degree); or any  
27 attempt or conspiracy to commit any of the foregoing offenses.  
28 S 2. This act shall take effect on the first of November next succeed-  
29 ing the date on which it shall have become a law.