

STATE OF NEW YORK

2768

2017-2018 Regular Sessions

IN ASSEMBLY

January 23, 2017

Introduced by M. of A. ZEBROWSKI, ABBATE, HEVESI, SCHIMMINGER, LUPARDO, GALEF, ROSENTHAL, TITONE, GUNTHER, CUSICK -- Multi-Sponsored by -- M. of A. HOOPER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to providing certain criminal penalties for damage to military monuments

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

1 Section 1. The penal law is amended by adding a new section 145.24 to
2 read as follows:

3 § 145.24 Desecration of a military monument.

4 A person is guilty of desecration of a military monument when with
5 intent to damage property, and having no right to do so nor any reason-
6 able ground to believe that he or she has such right, he or she damages
7 any real or personal property maintained as a military monument. A
8 "military monument", for the purposes of this section, is any monument
9 that was erected with the intent to honor a current or former member or
10 members of the armed forces or to mark or commemorate a past military
11 action or battle.

12 Desecration of a military monument is a class A misdemeanor.

13 § 2. Section 60.29 of the penal law, as added by chapter 165 of the
14 laws of 1997, is amended to read as follows:

15 § 60.29 Authorized disposition; cemetery or military monument dese-
16 cration.

17 When a person is convicted of an offense defined in section 145.22
18 [~~or~~], 145.23 or 145.24 of this chapter or of an attempt to commit such
19 an offense, and the sentence imposed by the court for such conviction
20 includes a sentence of probation or conditional discharge, such sentence
21 shall, where appropriate, be in accordance with paragraph (h) of subdi-
22 vision two of section 65.10 of this [~~article~~] title as such section
23 relates to cemetery or military monument crime.

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

LBD07798-01-7

1 § 3. Paragraph (h) of subdivision 2 of section 65.10 of the penal law,
2 as amended by chapter 508 of the laws of 2001, is amended to read as
3 follows:

4 (h) Perform services for a public or not-for-profit corporation, asso-
5 ciation, institution or agency, including but not limited to services
6 for the division of substance abuse services, services in an appropriate
7 community program for removal of graffiti from public or private proper-
8 ty, including any property damaged in the underlying offense, or
9 services for the maintenance and repair of real or personal property
10 maintained as a cemetery plot, grave, burial place or other place of
11 interment of human remains or a military monument. Provided however,
12 that the performance of any such services shall not result in the
13 displacement of employed workers or in the impairment of existing
14 contracts for services, nor shall the performance of any such services
15 be required or permitted in any establishment involved in any labor
16 strike or lockout. The court may establish provisions for the early
17 termination of a sentence of probation or conditional discharge pursuant
18 to the provisions of subdivision three of section 410.90 of the criminal
19 procedure law after such services have been completed. Such sentence may
20 only be imposed upon conviction of a misdemeanor, violation, or class D
21 or class E felony, or a youthful offender finding replacing any such
22 conviction, where the defendant has consented to the amount and condi-
23 tions of such service;

24 § 4. This act shall take effect on the first of November next succeed-
25 ing the date on which it shall have become a law.