

STATE OF NEW YORK

3994

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sen. REICHLIN-MELNICK -- read twice and ordered printed,
and when printed to be committed to the Committee on Veterans, Home-
land Security and Military Affairs

AN ACT to amend the penal law, in relation to acts of domestic terrorism

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

1 Section 1. Subdivision 1 of section 490.05 of the penal law, as added
2 by chapter 300 of the laws of 2001, is amended to read as follows:

3 1. "Act of terrorism":

4 (a) for purposes of this article means: (i) an act or acts constitut-
5 ing a specified offense as defined in subdivision three of this section
6 for which a person may be convicted in the criminal courts of this state
7 pursuant to article twenty of the criminal procedure law, or an act or
8 acts constituting an offense in any other jurisdiction within or outside
9 the territorial boundaries of the United States which contains all of
10 the essential elements of a specified offense, that is intended to:

11 [~~(i)~~] (A) intimidate or coerce a civilian population;

12 [~~(ii)~~] (B) influence the policy of a unit of government by intim-
13 idation or coercion; or

14 [~~(iii)~~] (C) affect the conduct of a unit of government by murder,
15 assassination or kidnapping; or

16 (ii) the knowing, unlawful discharge of a firearm or use of a knife
17 with the intent to cause physical harm or death to another person or
18 persons in whole or in substantial part because of a belief or percep-
19 tion regarding the race, color, national origin, ancestry, gender,
20 gender identity or expression, religion, religious practice, age, disa-
21 bility or sexual orientation of such person or persons, or damage to
22 private or public property associated in whole or in substantial part
23 with such beliefs or perceptions:

24 (A) within a distance of one thousand feet from the grounds of a
25 public, parochial or private school; or

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

LBD08363-01-1

1 (B) within a distance of one thousand feet from the grounds of a place
2 of worship; or

3 (C) in a place of business with one or more employees; or

4 (D) within one thousand feet of a mass gathering of more than twenty-
5 five people.

6 (b) for purposes of subparagraph (xiii) of paragraph (a) of subdivi-
7 sion one of section 125.27 of this chapter means: (i) activities that
8 involve a violent act or acts dangerous to human life that are in
9 violation of the criminal laws of this state and are intended to:

10 ~~[(i)]~~ (A) intimidate or coerce a civilian population;

11 ~~[(ii)]~~ (B) influence the policy of a unit of government by intimid-
12 idation or coercion; or

13 ~~[(iii)]~~ (C) affect the conduct of a unit of government by murder,
14 assassination or kidnapping~~[-]~~; or

15 (ii) the knowing, unlawful discharge of a firearm or use of a knife
16 with the intent to cause physical harm or death to another person or
17 persons in whole or in substantial part because of a belief or percep-
18 tion regarding the race, color, national origin, ancestry, gender,
19 gender identity or expression, religion, religious practice, age, disa-
20 bility or sexual orientation of such person or persons, or damage to
21 private or public property associated in whole or in substantial part
22 with such beliefs or perceptions:

23 (A) within a distance of one thousand feet from the grounds of a
24 public, parochial or private school; or

25 (B) within a distance of one thousand feet from the grounds of a place
26 of worship; or

27 (C) in a place of business with one or more employees; or

28 (D) within one thousand feet of a mass gathering of more than twenty-
29 five people.

30 § 2. Subdivision 1 of section 490.25 of the penal law, as added by
31 chapter 300 of the laws of 2001, is amended to read as follows:

32 1. A person is guilty of a crime of terrorism when, with intent to
33 intimidate or coerce a civilian population, influence the policy of a
34 unit of government by intimidation or coercion, or affect the conduct of
35 a unit of government, school, house of worship or business or mass gath-
36 ering by murder, assassination or kidnapping, he or she commits a speci-
37 fied offense.

38 § 3. This act shall take effect immediately.