

# STATE OF NEW YORK

2346

2025-2026 Regular Sessions

## IN ASSEMBLY

January 16, 2025

Introduced by M. of A. EICHENSTEIN -- read once and referred to the  
Committee on Codes

AN ACT to amend the penal law, in relation to including aggravated cemetery desecration in the second degree and aggravated cemetery desecration in the first degree as specified offenses for purposes of hate crimes

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 section 2 of part C of chapter 55 of the laws of 2024, is  
3 amended to read as 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 120.06  
7 (gang assault in the second degree); section 120.07 (gang assault in the  
8 first degree); section 120.10 (assault in the first degree); section  
9 120.12 (aggravated assault upon a person less than eleven years old);  
10 section 120.13 (menacing in the first degree); section 120.14 (menacing  
11 in the second degree); section 120.15 (menacing in the third degree);  
12 section 120.20 (reckless endangerment in the second degree); section  
13 120.25 (reckless endangerment in the first degree); section 121.11  
14 (criminal obstruction of breathing or blood circulation); section 121.12  
15 (strangulation in the second degree); section 121.13 (strangulation in  
16 the first degree); subdivision one of section 125.15 (manslaughter in  
17 the second degree); subdivision one, two or four of section 125.20  
18 (manslaughter in the first degree); section 125.25 (murder in the second  
19 degree); section 125.26 (aggravated murder); section 125.27 (murder in  
20 the first degree); section 120.45 (stalking in the fourth degree);  
21 section 120.50 (stalking in the third degree); section 120.55 (stalking  
22 in the second degree); section 120.60 (stalking in the first degree);  
23 section 130.20 (sexual misconduct); section 130.25 (rape in the third  
24 degree); section 130.30 (rape in the second degree); section 130.35  
25 (rape in the first degree); former section 130.40; former section  
26 130.45; former section 130.50; section 130.52 (forcible touching);

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

LBD00184-01-5

1 section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse  
2 in the third degree); section 130.60 (sexual abuse in the second  
3 degree); section 130.65 (sexual abuse in the first degree); section  
4 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66  
5 (aggravated sexual abuse in the third degree); section 130.67 (aggra-  
6 vated sexual abuse in the second degree); section 130.70 (aggravated  
7 sexual abuse in the first degree); section 135.05 (unlawful imprisonment  
8 in the second degree); section 135.10 (unlawful imprisonment in the  
9 first degree); section 135.20 (kidnapping in the second degree); section  
10 135.25 (kidnapping in the first degree); section 135.60 (coercion in the  
11 third degree); section 135.61 (coercion in the second degree); section  
12 135.65 (coercion in the first degree); section 140.10 (criminal trespass  
13 in the third degree); section 140.15 (criminal trespass in the second  
14 degree); section 140.17 (criminal trespass in the first degree); section  
15 140.20 (burglary in the third degree); section 140.25 (burglary in the  
16 second degree); section 140.30 (burglary in the first degree); section  
17 145.00 (criminal mischief in the fourth degree); section 145.05 (crimi-  
18 nal mischief in the third degree); section 145.10 (criminal mischief in  
19 the second degree); section 145.12 (criminal mischief in the first  
20 degree); section 145.26 (aggravated cemetery desecration in the second  
21 degree); section 145.27 (aggravated cemetery desecration in the first  
22 degree); section 150.05 (arson in the fourth degree); section 150.10  
23 (arson in the third degree); section 150.15 (arson in the second  
24 degree); section 150.20 (arson in the first degree); section 155.25  
25 (petit larceny); section 155.30 (grand larceny in the fourth degree);  
26 section 155.35 (grand larceny in the third degree); section 155.40  
27 (grand larceny in the second degree); section 155.42 (grand larceny in  
28 the first degree); section 160.05 (robbery in the third degree); section  
29 160.10 (robbery in the second degree); section 160.15 (robbery in the  
30 first degree); section 230.34 (sex trafficking); section 230.34-a (sex  
31 trafficking of a child); section 240.25 (harassment in the first  
32 degree); subdivision one, two or four of section 240.30 (aggravated  
33 harassment in the second degree); section 240.50 (falsely reporting an  
34 incident in the third degree); section 240.55 (falsely reporting an  
35 incident in the second degree); section 240.60 (falsely reporting an  
36 incident in the first degree); subdivision one of section 265.03 (crimi-  
37 nal possession of a weapon in the second degree); subdivision one of  
38 section 265.04 (criminal possession of a weapon in the first degree);  
39 section 490.10 (soliciting or providing support for an act of terrorism  
40 in the second degree); section 490.15 (soliciting or providing support  
41 for an act of terrorism in the first degree); section 490.20 (making a  
42 terroristic threat); section 490.25 (crime of terrorism); section 490.30  
43 (hindering prosecution of terrorism in the second degree); section  
44 490.35 (hindering prosecution of terrorism in the first degree); section  
45 490.37 (criminal possession of a chemical weapon or biological weapon in  
46 the third degree); section 490.40 (criminal possession of a chemical  
47 weapon or biological weapon in the second degree); section 490.45 (crim-  
48 inal possession of a chemical weapon or biological weapon in the first  
49 degree); section 490.47 (criminal use of a chemical weapon or biological  
50 weapon in the third degree); section 490.50 (criminal use of a chemical  
51 weapon or biological weapon in the second degree); section 490.55 (crim-  
52 inal use of a chemical weapon or biological weapon in the first degree);  
53 or any attempt or conspiracy to commit any of the foregoing offenses.  
54 § 2. This act shall take effect immediately.