

STATE OF NEW YORK

8618

2025-2026 Regular Sessions

IN ASSEMBLY

May 22, 2025

Introduced by M. of A. NOVAKHOV, E. BROWN, BROOK-KRASNY, NORBER, CHANG
-- read once and referred to the Committee on Codes

AN ACT to amend the penal law and the criminal procedure law, in relation to prohibiting a person from defacing or damaging a fine art or historical monument

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 145.80 to
2 read as follows:

3 § 145.80 Defacement or damage of fine art or historical monuments.

4 1. For the purposes of this section, the term "historical monument"
5 shall mean any object, site, place, building or erection having
6 connections with historical events or personages, including but not
7 limited to any statue, relic, artifact, tablet, plaque, wall, building
8 or structure.

9 2. A person is guilty of defacement or damage of fine art or histor-
10 ical monuments when with intent to damage, deface, destroy or alter
11 property of another person or entity, and having no right to do so nor
12 any reasonable ground to believe that such person has such right, a
13 person damages, defaces, destroys or alters any real or personal proper-
14 ty of an artistic or historical nature, including but not limited to any
15 work of fine art as defined in subdivision nine of section 11.01 of the
16 arts and cultural affairs law, or any historical monument as defined in
17 subdivision one of this section.

18 Defacement or damage of fine art or historical monuments is a class C
19 felony.

20 § 2. The penal law is amended by adding a new section 60.07-a to read
21 as follows:

22 § 60.07-a Authorized disposition; defacement or damage of fine art or
23 historical monuments.

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

LBD13174-01-5

1 Notwithstanding any other provision of law to the contrary, when a
2 court has found that a person has been convicted of defacement or damage
3 of fine art or historical monuments as defined in section 145.80 of this
4 chapter, the sentence of imprisonment imposed upon conviction for such
5 offense shall be the sentence authorized by the applicable provisions of
6 article seventy of this chapter, provided, however, that the minimum
7 term of the indeterminate sentence shall be not less than three years
8 nor more than five years.

9 § 3. Subdivision 5 of section 60.27 of the penal law is amended by
10 adding a new paragraph (d) to read as follows:

11 (d) If a person is convicted of violating section 145.80 of this chap-
12 ter, the court shall require reparation up to the full value of the loss
13 as determined by a qualified professional appraiser accredited by a
14 nationally recognized appraisal accrediting organization.

15 § 4. Paragraphs (t) and (u) of subdivision 4 of section 510.10 of the
16 criminal procedure law, paragraph (t) as amended and paragraph (u) as
17 added by section 2 of subpart B of part UU of chapter 56 of the laws of
18 2022, are amended and a new paragraph (v) is added to read as follows:

19 (t) any felony or class A misdemeanor involving harm to an identifi-
20 able person or property, or any charge of criminal possession of a
21 firearm as defined in section 265.01-b of the penal law, where such
22 charge arose from conduct occurring while the defendant was released on
23 [~~his or her~~] such defendant's own recognizance, released under condi-
24 tions, or had yet to be arraigned after the issuance of a desk appear-
25 ance ticket for a separate felony or class A misdemeanor involving harm
26 to an identifiable person or property, or any charge of criminal
27 possession of a firearm as defined in section 265.01-b of the penal law,
28 provided, however, that the prosecutor must show reasonable cause to
29 believe that the defendant committed the instant crime and any underly-
30 ing crime. For the purposes of this subparagraph, any of the underlying
31 crimes need not be a qualifying offense as defined in this subdivision.
32 For the purposes of this paragraph, "harm to an identifiable person or
33 property" shall include but not be limited to theft of or damage to
34 property. However, based upon a review of the facts alleged in the accu-
35 satory instrument, if the court determines that such theft is negligible
36 and does not appear to be in furtherance of other criminal activity, the
37 principal shall be released on [~~his or her~~] such principal's own recog-
38 nizance or under appropriate non-monetary conditions; [~~or~~]

39 (u) criminal possession of a weapon in the third degree as defined in
40 subdivision three of section 265.02 of the penal law or criminal sale of
41 a firearm to a minor as defined in section 265.16 of the penal law[~~;~~];
42 or

43 (v) defacement or damage of fine art or historical monuments as
44 defined in section 145.80 of the penal law.

45 § 5. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of
46 section 530.20 of the criminal procedure law, subparagraph (xx) as
47 amended and paragraph (xxi) as added by section 4 of subpart C of part
48 UU of chapter 56 of the laws of 2022, are amended and a new subparagraph
49 (xxii) is added to read as follows:

50 (xx) any felony or class A misdemeanor involving harm to an identifi-
51 able person or property, or any charge of criminal possession of a
52 firearm as defined in section 265.01-b of the penal law where such
53 charge arose from conduct occurring while the defendant was released on
54 [~~his or her~~] such defendant's own recognizance, released under condi-
55 tions, or had yet to be arraigned after the issuance of a desk appear-
56 ance ticket for a separate felony or class A misdemeanor involving harm

1 to an identifiable person or property, provided, however, that the
2 prosecutor must show reasonable cause to believe that the defendant
3 committed the instant crime and any underlying crime. For the purposes
4 of this subparagraph, any of the underlying crimes need not be a quali-
5 fying offense as defined in this subdivision. For the purposes of this
6 paragraph, "harm to an identifiable person or property" shall include
7 but not be limited to theft of or damage to property. However, based
8 upon a review of the facts alleged in the accusatory instrument, if the
9 court determines that such theft is negligible and does not appear to be
10 in furtherance of other criminal activity, the principal shall be
11 released on [~~his or her~~] such principal's own recognizance or under
12 appropriate non-monetary conditions; [~~or~~]

13 (xxi) criminal possession of a weapon in the third degree as defined
14 in subdivision three of section 265.02 of the penal law or criminal sale
15 of a firearm to a minor as defined in section 265.16 of the penal
16 law[~~+~~]; or

17 (xxii) defacement or damage of fine art or historical monuments as
18 defined in section 145.80 of the penal law.

19 § 6. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
20 criminal procedure law, paragraph (t) as amended and paragraph (u) as
21 added by section 4 of subpart B of part UU of chapter 56 of the laws of
22 2022, are amended and a new paragraph (v) is added to read as follows:

23 (t) any felony or class A misdemeanor involving harm to an identifi-
24 able person or property, or any charge of criminal possession of a
25 firearm as defined in section 265.01-b of the penal law, where such
26 charge arose from conduct occurring while the defendant was released on
27 [~~his or her~~] such defendant's own recognizance, released under condi-
28 tions, or had yet to be arraigned after the issuance of a desk appear-
29 ance ticket for a separate felony or class A misdemeanor involving harm
30 to an identifiable person or property, or any charge of criminal
31 possession of a firearm as defined in section 265.01-b of the penal law,
32 provided, however, that the prosecutor must show reasonable cause to
33 believe that the defendant committed the instant crime and any underly-
34 ing crime. For the purposes of this subparagraph, any of the underlying
35 crimes need not be a qualifying offense as defined in this subdivision.
36 For the purposes of this paragraph, "harm to an identifiable person or
37 property" shall include but not be limited to theft of or damage to
38 property. However, based upon a review of the facts alleged in the accu-
39 satory instrument, if the court determines that such theft is negligible
40 and does not appear to be in furtherance of other criminal activity, the
41 principal shall be released on [~~his or her~~] such principal's own recog-
42 nizance or under appropriate non-monetary conditions; [~~or~~]

43 (u) criminal possession of a weapon in the third degree as defined in
44 subdivision three of section 265.02 of the penal law or criminal sale of
45 a firearm to a minor as defined in section 265.16 of the penal law[~~+~~];
46 or

47 (v) defacement or damage of fine art or historical monuments as
48 defined in section 145.80 of the penal law.

49 § 7. This act shall take effect immediately.