STATE OF NEW YORK

1943

2025-2026 Regular Sessions

IN SENATE

January 14, 2025

Introduced by Sens. WEBER, ASHBY, BORRELLO, CANZONERI-FITZPATRICK, MARTINS, MATTERA, OBERACKER, O'MARA, PALUMBO, RHOADS, ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to expanding the criteria for a hate crime

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

Section 1. Subdivision 1 of section 485.05 of the penal law, as amended by chapter 8 of the laws of 2019, is amended to read as follows:

1. A person commits a hate crime when [~~he or she~~] **such person:**

(a) commits a specified offense and either:

[~~(a)~~] **(i)** intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

[~~(b)~~] **(ii)** intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct**; or**

(b) commits a specified offense or a violation of section 140.05 of this chapter in or on the grounds of a church, synagogue, mosque or other house of worship.

§ 2. Subdivision 2 of section 485.10 of the penal law, as added by chapter 107 of the laws of 2000, is amended to read as follows:

2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a **violation, a** misdemeanor or a class C, D

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

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or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.

§ 3. This act shall take effect immediately.