

S T A T E O F N E W Y O R K

180--B

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. LATIMER, CANESTRARI, WEISENBERG, HOYT, BENEDETTO, POWELL, DelMONTE, ESPAILLAT, ABBATE, MILLMAN, P. RIVERA, MAYERSOHN, ROBINSON -- Multi-Sponsored by -- M. of A. ALFANO, BOYLAND, CAHILL, COLTON, COOK, DESTITO, GALEF, GLICK, GUNTHER, V. LOPEZ, PHEFFER, REILLY, J. RIVERA, SWEENEY, WEINSTEIN, ZEBROWSKI -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to vandalism and theft in connection with places of worship

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Subdivision 9 of section 155.30 of the penal law, as added
2 by chapter 450 of the laws of 1990, is amended to read as follows:
3 9. The property consists of a scroll, religious vestment, vessel,
4 STATUE, MENORAH, NATIVITY SCENE or other item of property having a value
5 of at least one hundred dollars kept for or used in connection with
6 religious worship in any building or structure used as a place of reli-
7 gious worship by a religious corporation, as incorporated under the
8 religious corporations law or the education law, OR LOCATED ON REAL
9 PROPERTY OWNED, LEASED OR UTILIZED BY SUCH A RELIGIOUS CORPORATION WITH-
10 IN ONE HUNDRED FEET OF ANY SUCH BUILDING OR STRUCTURE.
11 S 2. The opening paragraph and paragraphs (d) and (e) of subdivision 3
12 of section 240.70 of the penal law, as added by chapter 635 of the laws
13 of 1999, are amended and a new paragraph (f) is added to read as
14 follows:
15 For purposes of this section AND SECTION 240.75 OF THIS ARTICLE:

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

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1 (d) the term "physical obstruction" means rendering impassable ingress
2 to or egress from a facility that provides reproductive health services
3 or to or from a place of religious worship, or rendering passage to or
4 from such a facility or place of religious worship unreasonably diffi-
5 cult or hazardous; [and]

6 (e) the term "reproductive health services" means health care services
7 provided in a hospital, clinic, physician's office or other facility and
8 includes medical, surgical, counseling or referral services relating to
9 the human reproductive system, including services relating to pregnancy
10 or the termination of a pregnancy[.]; AND

11 (F) THE TERM "PROPERTY OF A PLACE OF RELIGIOUS WORSHIP" INCLUDES PROP-
12 ERTY LOCATED WITHIN ANY BUILDING OR STRUCTURE USED AS A PLACE OF RELI-
13 GIOUS WORSHIP BY A RELIGIOUS CORPORATION, AS INCORPORATED UNDER THE
14 RELIGIOUS CORPORATIONS LAW OR THE EDUCATION LAW, OR LOCATED ON REAL
15 PROPERTY OWNED, LEASED OR UTILIZED BY SUCH A RELIGIOUS CORPORATION WITH-
16 IN ONE HUNDRED FEET OF ANY SUCH BUILDING OR STRUCTURE.

17 S 3. The penal law is amended by adding a new section 240.75 to read
18 as follows:

19 S 240.75 AGGRAVATED INTERFERENCE WITH RELIGIOUS WORSHIP.

20 A PERSON IS GUILTY OF AGGRAVATED INTERFERENCE WITH RELIGIOUS WORSHIP
21 WHEN HE OR SHE:

22 1. COMMITS THE OFFENSE OF CRIMINAL INTERFERENCE WITH HEALTH CARE
23 SERVICES OR RELIGIOUS WORSHIP IN THE SECOND DEGREE AS DEFINED IN PARA-
24 GRAPH (C) OF SUBDIVISION ONE OF SECTION 240.70 OF THIS ARTICLE, AND IN
25 THE COURSE OF THE COMMISSION OF SUCH OFFENSE OR IMMEDIATE FLIGHT THERE-
26 FROM HE OR SHE DAMAGES THE PROPERTY OF A PLACE OF RELIGIOUS WORSHIP IN
27 AN AMOUNT EXCEEDING ONE HUNDRED FIFTY DOLLARS; OR

28 2. COMMITS THE OFFENSE OF CRIMINAL INTERFERENCE WITH HEALTH CARE
29 SERVICES OR RELIGIOUS WORSHIP IN THE SECOND DEGREE AS DEFINED IN PARA-
30 GRAPH (D) OF SUBDIVISION ONE OF SECTION 240.70 OF THIS ARTICLE BY MEANS
31 OF INTENTIONALLY DAMAGING THE PROPERTY OF A PLACE OF RELIGIOUS WORSHIP
32 AND SUCH DAMAGE IS IN AN AMOUNT EXCEEDING ONE HUNDRED FIFTY DOLLARS.

33 AGGRAVATED INTERFERENCE WITH RELIGIOUS WORSHIP IS A CLASS E FELONY.

34 S 4. This act shall take effect on the first of November next succeed-
35 ing the date on which it shall have become a law.