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

7708

2009-2010 Regular Sessions

I N A S S E M B L Y

April 22, 2009

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

AN ACT to amend the penal law, in relation to arson in houses of worship

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

Section 1. Section 150.00 of the penal law is amended by adding a new subdivision 3 to read as follows:

3. "HOUSE OF WORSHIP" MEANS ANY BUILDING OR THE CONTENTS LOCATED THEREIN, OR OTHER REAL PROPERTY, BELONGING TO OR HELD IN TRUST BY AN "INCORPORATED CHURCH" OR AN "UNINCORPORATED CHURCH" AS DEFINED IN SECTION TWO OF THE RELIGIOUS CORPORATIONS LAW.

S 2. Section 150.15 of the penal law, as amended by chapter 225 of the laws of 1979, is amended to read as follows:

S 150.15 Arson in the second degree.

A person is guilty of arson in the second degree when he OR SHE intentionally damages:

1. A HOUSE OF WORSHIP BY STARTING A FIRE; OR

2. a building or motor vehicle by starting a fire, and when (a) another person who is not a participant in the crime is present in such building or motor vehicle at the time, and (b) the defendant knows that fact or the circumstances are such as to render the presence of such a person therein a reasonable possibility.

Arson in the second degree is a class B felony.

S 3. Subdivision 1 of section 150.20 of the penal law, as amended by chapter 950 of the laws of 1984, is amended to read as follows:

1. A person is guilty of arson in the first degree when he OR SHE intentionally damages A HOUSE OF WORSHIP, a building or motor vehicle by causing an explosion or a fire and when (a) such explosion or fire is caused by an incendiary device propelled, thrown or placed inside or near such HOUSE OF WORSHIP, building or motor vehicle; or when such explosion or fire is caused by an explosive; or when such explosion or

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

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fire either (i) causes serious physical injury to another person other than a participant, or (ii) the explosion or fire was caused with the expectation or receipt of financial advantage or pecuniary profit by the actor; and when (b) another person who is not a participant in the crime is present in such HOUSE OF WORSHIP, building or motor vehicle at the time; and (c) the defendant knows that fact or the circumstances are such as to render the presence of such person therein a reasonable possibility.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.