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

8590

2009-2010 Regular Sessions

I N A S S E M B L Y

May 29, 2009

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

AN ACT to amend the penal law, in relation to presumptive evidence of hate crimes

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

Section 1. Section 485.05 of the penal law is amended by adding a new subdivision 5 to read as follows:

5. DURING THE COMMISSION OF A SPECIFIED OFFENSE, IT SHALL BE PRESUMPTIVE EVIDENCE OF A HATE CRIME WHEN THE OFFENDER VERBALLY UTILIZES ANY OF THE COMMONLY KNOWN PROFANE SLURS OR BIASED LANGUAGE USED TO DESCRIBE THE RACE, COLOR, NATIONAL ORIGIN, ANCESTRY, GENDER, RELIGION, RELIGIOUS PRACTICE, AGE, DISABILITY OR SEXUAL ORIENTATION OF THE VICTIM.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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