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

211

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. KRUGER -- 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 prohibiting the wearing of a mask or headgear in a public setting designed to intimidate a particular group or groups of people

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

Section 1. The penal law is amended by adding a new section 240.23 to read as follows:

S 240.23 APPEARING IN PUBLIC PLACES DESIGNED TO THREATEN OR INTIMIDATE.

A PERSON IS GUILTY OF APPEARING IN PUBLIC PLACES DESIGNED TO THREATEN OR INTIMIDATE WHEN, KNOWING THE CONSEQUENCES OF HIS OR HER ACTIONS, SUCH PERSON APPEARS AT OR PARTICIPATES IN A MARCH, PARADE OR DEMONSTRATION OR IN ANY PUBLIC PLACE WHILE WEARING A MASK OR HEADGEAR WHICH IS RECOGNIZED AS A THREAT OR IS INTIMIDATING TO A PARTICULAR GROUP OR GROUPS OF PEOPLE BASED ON RELIGIOUS, ETHNIC OR OTHER PRINCIPLES. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHERE SUCH MASK OR HEADGEAR IS WORN IN A THEATRE OR SPORTING EVENT, OR IN ACKNOWLEDGEMENT OF A PUBLIC HOLIDAY, OR WHERE SUCH MASK OR HEADGEAR IS NEEDED FOR MEDICAL OR EMERGENCY PURPOSES.

APPEARING IN PUBLIC PLACES DESIGNED TO THREATEN OR INTIMIDATE IS A CLASS A MISDEMEANOR.

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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