

3413

2009-2010 Regular Sessions

I N S E N A T E

March 18, 2009

Introduced by Sens. YOUNG, MORAHAN, PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the criminal procedure law, in relation to hindering prosecution

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

- 1 Section 1. The opening paragraph of section 205.50 of the penal law is
2 amended to read as follows:
3 As used in sections 205.55, 205.60 [and], 205.65 AND 205.70 OF THIS
4 ARTICLE, a person "renders criminal assistance" when, with intent to
5 prevent, hinder or delay the discovery or apprehension of, or the lodg-
6 ing of a criminal charge against, a person who he OR SHE knows or
7 believes has committed a crime or is being sought by law enforcement
8 officials for the commission of a crime, or with intent to assist a
9 person in profiting or benefiting from the commission of a crime, he OR
10 SHE:
11 S 2. Section 205.55 of the penal law is amended to read as follows:
12 S 205.55 Hindering prosecution in the [third] FOURTH degree.
13 A person is guilty of hindering prosecution in the [third] FOURTH
14 degree when he OR SHE renders criminal assistance to [a] ANOTHER person
15 who has committed a felony.
16 Hindering prosecution in the [third] FOURTH degree is a class A misde-
17 meanor.
18 S 3. Section 205.60 of the penal law is amended to read as follows:
19 S 205.60 Hindering prosecution in the [second] THIRD degree.
20 A person is guilty of hindering prosecution in the [second] THIRD
21 degree when he OR SHE renders criminal assistance to [a] ANOTHER person
22 who has committed a class B or class C felony.
23 Hindering prosecution in the [second] THIRD degree is a class E felo-
24 ny.

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

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1 S 4. Section 205.65 of the penal law, as amended by chapter 398 of the
2 laws of 1970, is amended to read as follows:

3 S 205.65 Hindering prosecution in the [first] SECOND degree.

4 A person is guilty of hindering prosecution in the [first] SECOND
5 degree when he OR SHE renders criminal assistance to [a] ANOTHER person
6 who has committed a class A felony, knowing or [believing] HAVING REASON
7 TO KNOW that such OTHER person has engaged in conduct constituting a
8 class A felony.

9 Hindering prosecution in the [first] SECOND degree is a class D felo-
10 ny.

11 S 5. The penal law is amended by adding a new section 205.70 to read
12 as follows:

13 S 205.70 HINDERING PROSECUTION IN THE FIRST DEGREE.

14 A PERSON IS GUILTY OF HINDERING PROSECUTION IN THE FIRST DEGREE WHEN
15 HE OR SHE RENDERS CRIMINAL ASSISTANCE TO ANOTHER PERSON WHO:

16 1. HAS COMMITTED A CLASS A FELONY, KNOWING OR HAVING REASON TO KNOW
17 THAT SUCH OTHER PERSON HAS ENGAGED IN CONDUCT CONSTITUTING A CLASS A
18 FELONY; AND

19 2. HAS ESCAPED CUSTODY OR A DETENTION FACILITY, KNOWING OR HAVING
20 REASON TO KNOW THAT SUCH OTHER PERSON HAS ESCAPED CUSTODY OR A DETENTION
21 FACILITY.

22 HINDERING PROSECUTION IN THE FIRST DEGREE IS A CLASS C FELONY.

23 S 6. Paragraph (a) of subdivision 1 of section 460.10 of the penal
24 law, as separately amended by chapters 312 and 472 of the laws of 2008,
25 is amended to read as follows:

26 (a) Any of the felonies set forth in this chapter: sections 120.05,
27 120.10 and 120.11 relating to assault; sections 125.10 to 125.27 relat-
28 ing to homicide; sections 130.25, 130.30 and 130.35 relating to rape;
29 sections 135.20 and 135.25 relating to kidnapping; section 135.35 relat-
30 ing to labor trafficking; section 135.65 relating to coercion; sections
31 140.20, 140.25 and 140.30 relating to burglary; sections 145.05, 145.10
32 and 145.12 relating to criminal mischief; article one hundred fifty
33 relating to arson; sections 155.30, 155.35, 155.40 and 155.42 relating
34 to grand larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to
35 health care fraud; article one hundred sixty relating to robbery;
36 sections 165.45, 165.50, 165.52 and 165.54 relating to criminal
37 possession of stolen property; sections 165.72 and 165.73 relating to
38 trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30,
39 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25,
40 175.35, 175.40 and 210.40 relating to false statements; sections 176.15,
41 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20
42 and 178.25 relating to criminal diversion of prescription medications
43 and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40,
44 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22,
45 200.25, 200.27, 215.00, 215.05 and 215.19 relating to bribery; sections
46 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage
47 fraud, sections 190.40 and 190.42 relating to criminal usury; section
48 190.65 relating to schemes to defraud; sections 205.60 [and], 205.65 AND
49 205.70 relating to hindering prosecution; sections 210.10, 210.15, and
50 215.51 relating to perjury and contempt; section 215.40 relating to
51 tampering with physical evidence; sections 220.06, 220.09, 220.16,
52 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55
53 and 220.60 relating to controlled substances; sections 225.10 and 225.20
54 relating to gambling; sections 230.25, 230.30, and 230.32 relating to
55 promoting prostitution; section 230.34 relating to sex trafficking;
56 sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity;

sections 263.10 and 263.15 relating to promoting a sexual performance by a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the provisions of section 265.10 which constitute a felony relating to firearms and other dangerous weapons; and sections 265.14 and 265.16 relating to criminal sale of a firearm; and section 275.10, 275.20, 275.30, or 275.40 relating to unauthorized recordings; and sections 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

S 7. Paragraph (b) of subdivision 8 of section 700.05 of the criminal procedure law, as amended by chapter 472 of the laws of 2008, is amended to read as follows:

(b) Any of the following felonies: assault in the second degree as defined in section 120.05 of the penal law, assault in the first degree as defined in section 120.10 of the penal law, reckless endangerment in the first degree as defined in section 120.25 of the penal law, promoting a suicide attempt as defined in section 120.30 of the penal law, criminally negligent homicide as defined in section 125.10 of the penal law, manslaughter in the second degree as defined in section 125.15 of the penal law, manslaughter in the first degree as defined in section 125.20 of the penal law, murder in the second degree as defined in section 125.25 of the penal law, murder in the first degree as defined in section 125.27 of the penal law, abortion in the second degree as defined in section 125.40 of the penal law, abortion in the first degree as defined in section 125.45 of the penal law, rape in the third degree as defined in section 130.25 of the penal law, rape in the second degree as defined in section 130.30 of the penal law, rape in the first degree as defined in section 130.35 of the penal law, criminal sexual act in the third degree as defined in section 130.40 of the penal law, criminal sexual act in the second degree as defined in section 130.45 of the penal law, criminal sexual act in the first degree as defined in section 130.50 of the penal law, sexual abuse in the first degree as defined in section 130.65 of the penal law, unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, kidnapping in the second degree as defined in section 135.20 of the penal law, kidnapping in the first degree as defined in section 135.25 of the penal law, labor trafficking as defined in section 135.35 of the penal law, custodial interference in the first degree as defined in section 135.50 of the penal law, coercion in the first degree as defined in section 135.65 of the penal law, criminal trespass in the first degree as defined in section 140.17 of the penal law, burglary in the third degree as defined in section 140.20 of the penal law, burglary in the second degree as defined in section 140.25 of the penal law, burglary in the first degree as defined in section 140.30 of the penal law, criminal mischief in the third degree as defined in section 145.05 of the penal law, criminal mischief in the second degree as defined in section 145.10 of the penal law, criminal mischief in the first degree as defined in section 145.12 of the penal law, criminal tampering in the first degree as defined in section 145.20 of the penal law, arson in the fourth degree as defined in section 150.05 of the penal law, arson in the third degree as defined in section 150.10 of the penal law, arson in the second degree as defined in section 150.15 of the penal law, arson in the first degree as defined in section 150.20 of the penal law, grand larceny in the fourth degree as defined in section 155.30 of the penal law, grand larceny in the third degree as defined in section 155.35 of the penal law, grand larceny in the second degree as defined in section 155.40 of the penal law, grand larceny in the first degree as defined in section 155.42 of the penal law, health care fraud in the fourth degree as defined in

1 section 177.10 of the penal law, health care fraud in the third degree
2 as defined in section 177.15 of the penal law, health care fraud in the
3 second degree as defined in section 177.20 of the penal law, health care
4 fraud in the first degree as defined in section 177.25 of the penal law,
5 robbery in the third degree as defined in section 160.05 of the penal
6 law, robbery in the second degree as defined in section 160.10 of the
7 penal law, robbery in the first degree as defined in section 160.15 of
8 the penal law, unlawful use of secret scientific material as defined in
9 section 165.07 of the penal law, criminal possession of stolen property
10 in the fourth degree as defined in section 165.45 of the penal law,
11 criminal possession of stolen property in the third degree as defined in
12 section 165.50 of the penal law, criminal possession of stolen property
13 in the second degree as defined by section 165.52 of the penal law,
14 criminal possession of stolen property in the first degree as defined by
15 section 165.54 of the penal law, trademark counterfeiting in the second
16 degree as defined in section 165.72 of the penal law, trademark counter-
17 feiting in the first degree as defined in section 165.73 of the penal
18 law, forgery in the second degree as defined in section 170.10 of the
19 penal law, forgery in the first degree as defined in section 170.15 of
20 the penal law, criminal possession of a forged instrument in the second
21 degree as defined in section 170.25 of the penal law, criminal
22 possession of a forged instrument in the first degree as defined in
23 section 170.30 of the penal law, criminal possession of forgery devices
24 as defined in section 170.40 of the penal law, falsifying business
25 records in the first degree as defined in section 175.10 of the penal
26 law, tampering with public records in the first degree as defined in
27 section 175.25 of the penal law, offering a false instrument for filing
28 in the first degree as defined in section 175.35 of the penal law, issu-
29 ing a false certificate as defined in section 175.40 of the penal law,
30 criminal diversion of prescription medications and prescriptions in the
31 second degree as defined in section 178.20 of the penal law, criminal
32 diversion of prescription medications and prescriptions in the first
33 degree as defined in section 178.25 of the penal law, residential mort-
34 gage fraud in the fourth degree as defined in section 187.10 of the
35 penal law, residential mortgage fraud in the third degree as defined in
36 section 187.15 of the penal law, residential mortgage fraud in the
37 second degree as defined in section 187.20 of the penal law, residential
38 mortgage fraud in the first degree as defined in section 187.25 of the
39 penal law, escape in the second degree as defined in section 205.10 of
40 the penal law, escape in the first degree as defined in section 205.15
41 of the penal law, absconding from temporary release in the first degree
42 as defined in section 205.17 of the penal law, promoting prison contra-
43 band in the first degree as defined in section 205.25 of the penal law,
44 hindering prosecution in the [second] THIRD degree as defined in section
45 205.60 of the penal law, hindering prosecution in the [first] SECOND
46 degree as defined in section 205.65 of the penal law, HINDERING PROSE-
47 CUTION IN THE FIRST DEGREE AS DEFINED IN SECTION 205.70 OF THE PENAL
48 LAW, sex trafficking as defined in section 230.34 of the penal law,
49 criminal possession of a weapon in the third degree as defined in subdi-
50 visions two, three and five of section 265.02 of the penal law, criminal
51 possession of a weapon in the second degree as defined in section 265.03
52 of the penal law, criminal possession of a weapon in the first degree as
53 defined in section 265.04 of the penal law, manufacture, transport,
54 disposition and defacement of weapons and dangerous instruments and
55 appliances defined as felonies in subdivisions one, two, and three of
56 section 265.10 of the penal law, sections 265.11, 265.12 and 265.13 of

1 the penal law, or prohibited use of weapons as defined in subdivision
2 two of section 265.35 of the penal law, relating to firearms and other
3 dangerous weapons, or failure to disclose the origin of a recording in
4 the first degree as defined in section 275.40 of the penal law;
5 S 8. This act shall take effect on the first of November next succeed-
6 ing the date on which it shall have become a law.