

9222

2009-2010 Regular Sessions

I N A S S E M B L Y

October 28, 2009

Introduced by M. of A. LANCMAN, PHEFFER, JAFFEE, LIFTON, BOYLAND, LAVINE, MAYERSOHN, WRIGHT, SKARTADOS, CLARK, JEFFRIES, EDDINGTON, MARKEY -- Multi-Sponsored by -- M. of A. CHRISTENSEN, KOON, LUPARDO, SCHIMEL, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to designating offenses against homeless persons as hate crimes

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

- 1 Section 1. Short title. This act shall be known and may be cited as
2 the "homeless protection act".
3 S 2. Subdivisions 1 and 2 of section 485.05 of the penal law, as added
4 by chapter 107 of the laws of 2000, are amended to read as follows:
5 1. A person commits a hate crime when he or she commits a specified
6 offense and either:
7 (a) intentionally selects the person against whom the offense is
8 committed or intended to be committed in whole or in substantial part
9 because of a belief or perception regarding the race, color, national
10 origin, ancestry, gender, religion, religious practice, age, disability,
11 HOMELESSNESS, or sexual orientation of a person, regardless of whether
12 the belief or perception is correct, or
13 (b) intentionally commits the act or acts constituting the offense in
14 whole or in substantial part because of a belief or perception regarding
15 the race, color, national origin, ancestry, gender, religion, religious
16 practice, age, disability, HOMELESSNESS, or sexual orientation of a
17 person, regardless of whether the belief or perception is correct.
18 2. Proof of race, color, national origin, ancestry, gender, religion,
19 religious practice, age, disability, HOMELESSNESS, or sexual orientation
20 of the defendant, the victim or of both the defendant and the victim
21 does not, by itself, constitute legally sufficient evidence satisfying
22 the people's burden under paragraph (a) or (b) of subdivision one of
23 this section.
24 S 3. This act shall take effect immediately.

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

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