

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:

1 Section 1. The penal law is amended by adding a new section 240.23 to
2 read as follows:
3 S 240.23 APPEARING IN PUBLIC PLACES DESIGNED TO THREATEN OR INTIMIDATE.
4 A PERSON IS GUILTY OF APPEARING IN PUBLIC PLACES DESIGNED TO THREATEN
5 OR INTIMIDATE WHEN, KNOWING THE CONSEQUENCES OF HIS OR HER ACTIONS, SUCH
6 PERSON APPEARS AT OR PARTICIPATES IN A MARCH, PARADE OR DEMONSTRATION OR
7 IN ANY PUBLIC PLACE WHILE WEARING A MASK OR HEADGEAR WHICH IS RECOGNIZED
8 AS A THREAT OR IS INTIMIDATING TO A PARTICULAR GROUP OR GROUPS OF PEOPLE
9 BASED ON RELIGIOUS, ETHNIC OR OTHER PRINCIPLES. THE PROVISIONS OF THIS
10 SECTION SHALL NOT APPLY WHERE SUCH MASK OR HEADGEAR IS WORN IN A THEATRE
11 OR SPORTING EVENT, OR IN ACKNOWLEDGEMENT OF A PUBLIC HOLIDAY, OR WHERE
12 SUCH MASK OR HEADGEAR IS NEEDED FOR MEDICAL OR EMERGENCY PURPOSES.
13 APPEARING IN PUBLIC PLACES DESIGNED TO THREATEN OR INTIMIDATE IS A
14 CLASS A MISDEMEANOR.
15 S 2. This act shall take effect on the first of November next succeed-
16 ing 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.

LBD03125-01-9