

2788

2009-2010 Regular Sessions

I N S E N A T E

March 3, 2009

Introduced by Sen. ESPADA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to filing information with the accusatory instrument where the district attorney does not charge a person with a hate crime when certain offenses are committed against female victims

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

1 Section 1. The criminal procedure law is amended by adding a new
2 section 100.60 to read as follows:
3 S 100.60 REPORTING BY THE DISTRICT ATTORNEY IN CERTAIN CASES.
4 1. WHEN A SPECIFIED OFFENSE IS COMMITTED AGAINST A FEMALE VICTIM, THE
5 DISTRICT ATTORNEY SHALL SET FORTH THEIR REASONING FOR NOT CHARGING THE
6 DEFENDANT WITH A HATE CRIME PROSECUTABLE UNDER SECTION 485.05 OF THE
7 PENAL LAW.
8 2. INFORMATION REQUIRED BY SUBDIVISION ONE OF THIS SECTION SHALL BE
9 FILED WITH THE ACCUSATORY INSTRUMENT, AS DEFINED BY SECTION 1.20 OF THIS
10 CHAPTER.
11 3. A "SPECIFIED OFFENSE" IS AN OFFENSE DEFINED BY ANY OF THE FOLLOWING
12 PROVISIONS OF THE PENAL LAW: SECTION 120.00 (ASSAULT IN THE THIRD
13 DEGREE); SECTION 120.05 (ASSAULT IN THE SECOND DEGREE); SECTION 120.10
14 (ASSAULT IN THE FIRST DEGREE); SECTION 120.12 (AGGRAVATED ASSAULT UPON A
15 PERSON LESS THAN ELEVEN YEARS OLD); SECTION 120.13 (MENACING IN THE
16 FIRST DEGREE); SECTION 120.14 (MENACING IN THE SECOND DEGREE); SECTION
17 120.15 (MENACING IN THE THIRD DEGREE); SECTION 120.20 (RECKLESS ENDAN-
18 GERMENT IN THE SECOND DEGREE); SECTION 120.25 (RECKLESS ENDANGERMENT IN
19 THE FIRST DEGREE); SUBDIVISION ONE OF SECTION 125.15 (MANSLAUGHTER IN
20 THE SECOND DEGREE); SUBDIVISION ONE, TWO OR FOUR OF SECTION 125.20
21 (MANSLAUGHTER IN THE FIRST DEGREE); SECTION 125.25 (MURDER IN THE SECOND
22 DEGREE); SECTION 120.45 (STALKING IN THE FOURTH DEGREE); SECTION 120.50
23 (STALKING IN THE THIRD DEGREE); SECTION 120.55 (STALKING IN THE SECOND

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

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1 DEGREE); SECTION 120.60 (STALKING IN THE FIRST DEGREE); SUBDIVISION ONE
2 OF SECTION 130.35 (RAPE IN THE FIRST DEGREE); SUBDIVISION ONE OF SECTION
3 130.50 (CRIMINAL SEXUAL ACT IN THE FIRST DEGREE); SUBDIVISION ONE OF
4 SECTION 130.65 (SEXUAL ABUSE IN THE FIRST DEGREE); PARAGRAPH (A) OF
5 SUBDIVISION ONE OF SECTION 130.67 (AGGRAVATED SEXUAL ABUSE IN THE SECOND
6 DEGREE); PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION 130.70 (AGGRAVATED
7 SEXUAL ABUSE IN THE FIRST DEGREE); SECTION 135.05 (UNLAWFUL IMPRISONMENT
8 IN THE SECOND DEGREE); SECTION 135.10 (UNLAWFUL IMPRISONMENT IN THE
9 FIRST DEGREE); SECTION 135.20 (KIDNAPPING IN THE SECOND DEGREE); SECTION
10 135.25 (KIDNAPPING IN THE FIRST DEGREE); SECTION 135.60 (COERCION IN THE
11 SECOND DEGREE); SECTION 135.65 (COERCION IN THE FIRST DEGREE); SECTION
12 140.10 (CRIMINAL TRESPASS IN THE THIRD DEGREE); SECTION 140.15 (CRIMINAL
13 TRESPASS IN THE SECOND DEGREE); SECTION 140.17 (CRIMINAL TRESPASS IN THE
14 FIRST DEGREE); SECTION 140.20 (BURGLARY IN THE THIRD DEGREE); SECTION
15 140.25 (BURGLARY IN THE SECOND DEGREE); SECTION 140.30 (BURGLARY IN THE
16 FIRST DEGREE); SECTION 145.00 (CRIMINAL MISCHIEF IN THE FOURTH DEGREE);
17 SECTION 145.05 (CRIMINAL MISCHIEF IN THE THIRD DEGREE); SECTION 145.10
18 (CRIMINAL MISCHIEF IN THE SECOND DEGREE); SECTION 145.12 (CRIMINAL
19 MISCHIEF IN THE FIRST DEGREE); SECTION 150.05 (ARSON IN THE FOURTH
20 DEGREE); SECTION 150.10 (ARSON IN THE THIRD DEGREE); SECTION 150.15
21 (ARSON IN THE SECOND DEGREE); SECTION 150.20 (ARSON IN THE FIRST
22 DEGREE); SECTION 155.25 (PETIT LARCENY); SECTION 155.30 (GRAND LARCENY
23 IN THE FOURTH DEGREE); SECTION 155.35 (GRAND LARCENY IN THE THIRD
24 DEGREE); SECTION 155.40 (GRAND LARCENY IN THE SECOND DEGREE); SECTION
25 155.42 (GRAND LARCENY IN THE FIRST DEGREE); SECTION 160.05 (ROBBERY IN
26 THE THIRD DEGREE); SECTION 160.10 (ROBBERY IN THE SECOND DEGREE);
27 SECTION 160.15 (ROBBERY IN THE FIRST DEGREE); SECTION 240.25 (HARASSMENT
28 IN THE FIRST DEGREE); SUBDIVISION ONE, TWO OR FOUR OF SECTION 240.30
29 (AGGRAVATED HARASSMENT IN THE SECOND DEGREE); OR ANY ATTEMPT OR CONSPIR-
30 ACY TO COMMIT ANY OF THE FOREGOING OFFENSES.

31 S 2. This act shall take effect on the ninetieth day after it shall
32 have become a law.