

7093

I N S E N A T E

April 25, 2014

Introduced by Sen. HOYLMAN -- 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 classifying gang assault in the first degree and gang assault in the second degree as hate crimes

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

1 Section 1. Subdivision 3 of section 485.05 of the penal law, as
2 amended by chapter 405 of the laws of 2010, is amended to read as
3 follows:
4 3. A "specified offense" is an offense defined by any of the following
5 provisions of this chapter: section 120.00 (assault in the third
6 degree); section 120.05 (assault in the second degree); SECTION 120.06
7 (GANG ASSAULT IN THE SECOND DEGREE); SECTION 120.07 (GANG ASSAULT IN THE
8 FIRST DEGREE); section 120.10 (assault in the first degree); section
9 120.12 (aggravated assault upon a person less than eleven years old);
10 section 120.13 (menacing in the first degree); section 120.14 (menacing
11 in the second degree); section 120.15 (menacing in the third degree);
12 section 120.20 (reckless endangerment in the second degree); section
13 120.25 (reckless endangerment in the first degree); section 121.12
14 (strangulation in the second degree); section 121.13 (strangulation in
15 the first degree); subdivision one of section 125.15 (manslaughter in
16 the second degree); subdivision one, two or four of section 125.20
17 (manslaughter in the first degree); section 125.25 (murder in the second
18 degree); section 120.45 (stalking in the fourth degree); section 120.50
19 (stalking in the third degree); section 120.55 (stalking in the second
20 degree); section 120.60 (stalking in the first degree); subdivision one
21 of section 130.35 (rape in the first degree); subdivision one of section
22 130.50 (criminal sexual act in the first degree); subdivision one of
23 section 130.65 (sexual abuse in the first degree); paragraph (a) of
24 subdivision one of section 130.67 (aggravated sexual abuse in the second
25 degree); paragraph (a) of subdivision one of section 130.70 (aggravated
26 sexual abuse in the first degree); section 135.05 (unlawful imprisonment
27 in the second degree); section 135.10 (unlawful imprisonment in the

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

LBD14888-02-4

1 first degree); section 135.20 (kidnapping in the second degree); section
2 135.25 (kidnapping in the first degree); section 135.60 (coercion in the
3 second degree); section 135.65 (coercion in the first degree); section
4 140.10 (criminal trespass in the third degree); section 140.15 (criminal
5 trespass in the second degree); section 140.17 (criminal trespass in the
6 first degree); section 140.20 (burglary in the third degree); section
7 140.25 (burglary in the second degree); section 140.30 (burglary in the
8 first degree); section 145.00 (criminal mischief in the fourth degree);
9 section 145.05 (criminal mischief in the third degree); section 145.10
10 (criminal mischief in the second degree); section 145.12 (criminal
11 mischief in the first degree); section 150.05 (arson in the fourth
12 degree); section 150.10 (arson in the third degree); section 150.15
13 (arson in the second degree); section 150.20 (arson in the first
14 degree); section 155.25 (petit larceny); section 155.30 (grand larceny
15 in the fourth degree); section 155.35 (grand larceny in the third
16 degree); section 155.40 (grand larceny in the second degree); section
17 155.42 (grand larceny in the first degree); section 160.05 (robbery in
18 the third degree); section 160.10 (robbery in the second degree);
19 section 160.15 (robbery in the first degree); section 240.25 (harassment
20 in the first degree); subdivision one, two or four of section 240.30
21 (aggravated harassment in the second degree); or any attempt or conspir-
22 acy to commit any of the foregoing offenses.
23 S 2. This act shall take effect immediately.