

10543

I N   A S S E M B L Y

May 31, 2016

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Introduced by M. of A. MURRAY -- read once and referred to the Committee  
on Codes

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

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

- 1     Section 1. Subdivisions 1, 2 and 4 of section 485.05 of the penal law,  
2     as added by chapter 107 of the laws of 2000, are amended to read as  
3     follows:  
4     1. A person commits a hate crime when he or she commits a specified  
5     offense and either:  
6     (a) intentionally selects the person against whom the offense is  
7     committed or intended to be committed in whole or in substantial part  
8     because of a belief or perception regarding the race, color, national  
9     origin, ancestry, gender, religion, religious practice, age, disability,  
10    OR BECAUSE OF ACTUAL OR PERCEIVED EMPLOYMENT AS EMERGENCY MEDICAL  
11    SERVICES PERSONNEL, A FIREFIGHTER OR A LAW ENFORCEMENT OFFICER, or sexu-  
12    al orientation of a person, regardless of whether the belief or percep-  
13    tion is correct, or  
14    (b) intentionally commits the act or acts constituting the offense in  
15    whole or in substantial part because of a belief or perception regarding  
16    the race, color, national origin, ancestry, gender, religion, religious  
17    practice, age, disability, OR BECAUSE OF ACTUAL OR PERCEIVED EMPLOYMENT  
18    AS EMERGENCY MEDICAL SERVICES PERSONNEL, A FIREFIGHTER OR A LAW ENFORCE-  
19    MENT OFFICER, or sexual orientation of a person, regardless of whether  
20    the belief or perception is correct.  
21    2. Proof of race, color, national origin, ancestry, gender, religion,  
22    religious practice, age, disability, OR BECAUSE OF ACTUAL OR PERCEIVED  
23    EMPLOYMENT AS EMERGENCY MEDICAL SERVICES PERSONNEL, A FIREFIGHTER OR A  
24    LAW ENFORCEMENT OFFICER, or sexual orientation of the defendant, the  
25    victim or of both the defendant and the victim does not, by itself,  
26    constitute legally sufficient evidence satisfying the people's burden  
27    under paragraph (a) or (b) of subdivision one of this section.  
28    4. For purposes of this section:

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

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1 (a) the term "age" means sixty years old or more;

2 (b) the term "disability" means a physical or mental impairment that  
3 substantially limits a major life activity;

4 (C) THE TERM "EMERGENCY MEDICAL SERVICES PERSONNEL" MEANS PERSONS  
5 TRAINED AND CERTIFIED OR LICENSED TO PROVIDE EMERGENCY MEDICAL CARE,  
6 WHETHER ON A PAID OR VOLUNTEER BASIS, AS PART OF A BASIC LIFE SUPPORT OR  
7 ADVANCED LIFE SUPPORT PRE-HOSPITAL EMERGENCY CARE SERVICE OR IN AN EMER-  
8 GENCY DEPARTMENT OR PEDIATRIC CRITICAL CARE OR SPECIALTY UNIT IN A  
9 LICENSED HOSPITAL;

10 (D) THE TERM "FIREFIGHTER" MEANS ANY FIREFIGHTER REGULARLY EMPLOYED BY  
11 A FIRE DEPARTMENT OF ANY MUNICIPALITY OF THE STATE OF NEW YORK; AND

12 (E) THE TERM "LAW ENFORCEMENT OFFICER" MEANS ANY ACTIVE OR RETIRED  
13 CITY OR STATE LAW ENFORCEMENT OFFICER, PEACE OFFICER, SHERIFF, DEPUTY  
14 SHERIFF, PROBATION OR PAROLE OFFICER, MARSHAL, DEPUTY, WILDLIFE ENFORCE-  
15 MENT AGENCY, STATE CORRECTIONAL OFFICER, OR COMMISSIONED AGENT OF THE  
16 DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, AS WELL AS ANY  
17 FEDERAL LAW ENFORCEMENT OFFICER OR EMPLOYEE, WHOSE PERMANENT DUTIES  
18 INCLUDE MAKING ARRESTS, PERFORMING SEARCH AND SEIZURES, EXECUTION OF  
19 CRIMINAL ARREST WARRANTS, EXECUTION OF CIVIL SEIZURE WARRANTS, ANY CIVIL  
20 FUNCTIONS PERFORMED BY SHERIFFS OR DEPUTY SHERIFFS, ENFORCEMENT OF PENAL  
21 OR TRAFFIC LAWS, OR THE CARE, CUSTODY, CONTROL OR SUPERVISION OF  
22 INMATES.

23 S 2. This act shall take effect immediately.