

# STATE OF NEW YORK

5065--A

2017-2018 Regular Sessions

## IN SENATE

March 6, 2017

Introduced by Sens. LATIMER, ADDABBO, ALCANTARA, AVELLA, BAILEY, BRESLIN, BROOKS, CARLUCCI, COMRIE, DIAZ, DILAN, GIANARIS, HAMILTON, HOYLMAN, KAMINSKY, KENNEDY, KRUEGER, MONTGOMERY, PARKER, PERALTA, PERSAUD, RIVERA, SANDERS, SAVINO, SERRANO, SQUADRON, STAVISKY, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to including community centers with a religious affiliation in the definition of public place for purposes of offenses against public order and including falsely reporting an incident and placing a false bomb or hazardous substance in the definition of specified offense for the purpose of hate crimes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivision 1 of section 240.00 of the penal law is amended  
2 to read as follows:  
3 1. "Public place" means a place to which the public or a substantial  
4 group of persons has access, and includes, but is not limited to, high-  
5 ways, transportation facilities, schools, places of amusement, parks,  
6 playgrounds, community centers with a religious affiliation, and hall-  
7 ways, lobbies and other portions of apartment houses and hotels not  
8 constituting rooms or apartments designed for actual residence.  
9 § 2. Subdivision 3 of section 485.05 of the penal law, as amended by  
10 chapter 405 of the laws of 2010, is amended to read as follows:  
11 3. A "specified offense" is an offense defined by any of the following  
12 provisions of this chapter: 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-

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

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1 germent in the second degree); section 120.25 (reckless endangerment in  
2 the first degree); section 121.12 (strangulation in the second degree);  
3 section 121.13 (strangulation in the first degree); subdivision one of  
4 section 125.15 (manslaughter in the second degree); subdivision one, two  
5 or four of section 125.20 (manslaughter in the first degree); section  
6 125.25 (murder in the second degree); section 120.45 (stalking in the  
7 fourth degree); section 120.50 (stalking in the third degree); section  
8 120.55 (stalking in the second degree); section 120.60 (stalking in the  
9 first degree); subdivision one of section 130.35 (rape in the first  
10 degree); subdivision one of section 130.50 (criminal sexual act in the  
11 first degree); subdivision one of section 130.65 (sexual abuse in the  
12 first degree); paragraph (a) of subdivision one of section 130.67  
13 (aggravated sexual abuse in the second degree); paragraph (a) of subdi-  
14 vision one of section 130.70 (aggravated sexual abuse in the first  
15 degree); section 135.05 (unlawful imprisonment in the second degree);  
16 section 135.10 (unlawful imprisonment in the first degree); section  
17 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in  
18 the first degree); section 135.60 (coercion in the second degree);  
19 section 135.65 (coercion in the first degree); section 140.10 (criminal  
20 trespass in the third degree); section 140.15 (criminal trespass in the  
21 second degree); section 140.17 (criminal trespass in the first degree);  
22 section 140.20 (burglary in the third degree); section 140.25 (burglary  
23 in the second degree); section 140.30 (burglary in the first degree);  
24 section 145.00 (criminal mischief in the fourth degree); section 145.05  
25 (criminal mischief in the third degree); section 145.10 (criminal  
26 mischief in the second degree); section 145.12 (criminal mischief in the  
27 first degree); section 150.05 (arson in the fourth degree); section  
28 150.10 (arson in the third degree); section 150.15 (arson in the second  
29 degree); section 150.20 (arson in the first degree); section 155.25  
30 (petit larceny); section 155.30 (grand larceny in the fourth degree);  
31 section 155.35 (grand larceny in the third degree); section 155.40  
32 (grand larceny in the second degree); section 155.42 (grand larceny in  
33 the first degree); section 160.05 (robbery in the third degree); section  
34 160.10 (robbery in the second degree); section 160.15 (robbery in the  
35 first degree); section 240.25 (harassment in the first degree); subdivi-  
36 sion one, two or four of section 240.30 (aggravated harassment in the  
37 second degree); section 240.55 (falsely reporting an incident in the  
38 second degree); section 240.60 (falsely reporting an incident in the  
39 first degree); section 240.62 (placing a false bomb or hazardous  
40 substance in the first degree); or any attempt or conspiracy to commit  
41 any of the foregoing offenses.

42 § 3. This act shall take effect immediately.