

# STATE OF NEW YORK

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5143

2017-2018 Regular Sessions

## IN ASSEMBLY

February 6, 2017

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Introduced by M. of A. WEPRIN, PICHARDO, MOSLEY, M. G. MILLER, SKOUFIS, JAFFEE, PEOPLES-STOKES, GOTTFRIED -- Multi-Sponsored by -- M. of A. ABBATE, COOK, DAVILA, DINOWITZ, HIKIND, MAYER, McDONOUGH, MOYA, PERRY, RAIA, RIVERA, SKARTADOS -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to bias-related graffiti

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 120.10  
7 (assault in the first degree); section 120.12 (aggravated assault upon a  
8 person less than eleven years old); section 120.13 (menacing in the  
9 first degree); section 120.14 (menacing in the second degree); section  
10 120.15 (menacing in the third degree); section 120.20 (reckless endan-  
11 germent in the second degree); section 120.25 (reckless endangerment in  
12 the first degree); section 121.12 (strangulation in the second degree);  
13 section 121.13 (strangulation in the first degree); subdivision one of  
14 section 125.15 (manslaughter in the second degree); subdivision one, two  
15 or four of section 125.20 (manslaughter in the first degree); section  
16 125.25 (murder in the second degree); section 120.45 (stalking in the  
17 fourth degree); section 120.50 (stalking in the third degree); section  
18 120.55 (stalking in the second degree); section 120.60 (stalking in the  
19 first degree); subdivision one of section 130.35 (rape in the first  
20 degree); subdivision one of section 130.50 (criminal sexual act in the  
21 first degree); subdivision one of section 130.65 (sexual abuse in the  
22 first degree); paragraph (a) of subdivision one of section 130.67  
23 (aggravated sexual abuse in the second degree); paragraph (a) of subdi-

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

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1 vision one of section 130.70 (aggravated sexual abuse in the first  
2 degree); section 135.05 (unlawful imprisonment in the second degree);  
3 section 135.10 (unlawful imprisonment in the first degree); section  
4 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in  
5 the first degree); section 135.60 (coercion in the second degree);  
6 section 135.65 (coercion in the first degree); section 140.10 (criminal  
7 trespass in the third degree); section 140.15 (criminal trespass in the  
8 second degree); section 140.17 (criminal trespass in the first degree);  
9 section 140.20 (burglary in the third degree); section 140.25 (burglary  
10 in the second degree); section 140.30 (burglary in the first degree);  
11 section 145.00 (criminal mischief in the fourth degree); section 145.05  
12 (criminal mischief in the third degree); section 145.10 (criminal  
13 mischief in the second degree); section 145.12 (criminal mischief in the  
14 first degree); section 145.60 (making graffiti); section 150.05 (arson  
15 in the fourth degree); section 150.10 (arson in the third degree);  
16 section 150.15 (arson in the second degree); section 150.20 (arson in  
17 the first degree); section 155.25 (petit larceny); section 155.30 (grand  
18 larceny in the fourth degree); section 155.35 (grand larceny in the  
19 third degree); section 155.40 (grand larceny in the second degree);  
20 section 155.42 (grand larceny in the first degree); section 160.05  
21 (robbery in the third degree); section 160.10 (robbery in the second  
22 degree); section 160.15 (robbery in the first degree); section 240.25  
23 (harassment in the first degree); subdivision one, two or four of  
24 section 240.30 (aggravated harassment in the second degree); or any  
25 attempt or conspiracy to commit any of the foregoing offenses.  
26 § 2. This act shall take effect on the first of November next succeed-  
27 ing the date on which it shall have become a law.