

STATE OF NEW YORK

8885

2019-2020 Regular Sessions

IN ASSEMBLY

December 18, 2019

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

AN ACT to amend the penal law, in relation to establishing the crime of making a threat of mass violence

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

1 Section 1. The penal law is amended by adding two new sections 240.78
2 and 240.79 to read as follows:

3 § 240.78 Making a threat of mass violence in the second degree.

4 A person is guilty of making a threat of mass violence in the second
5 degree when:

6 1. such person, being under the age of eighteen makes a threat of mass
7 violence toward a school, college or university, place of worship, mass
8 gathering of twenty-five people or more, or a business and such threat
9 is made in writing, verbally communicated or expressed through any other
10 means of communication; or

11 2. such person, being eighteen years of age or older, but under the
12 age of twenty-one, makes a threat of mass violence against a school
13 which they currently attend and such threat is made in writing, verbally
14 communicated or expressed through any other means of communication.

15 Making a threat of mass violence in the second degree shall carry a
16 fine of thirty-five thousand dollars and a mandatory sentence of ten
17 days in a detention facility or, in the case of a person over eighteen
18 years of age, one hundred days in a specialized secure detention facili-
19 ty for older youth certified by the office of children and family
20 services in conjunction with the state commission of correction.

21 § 240.79 Making a threat of mass violence in the first degree.

22 A person is guilty of making a threat of mass violence in the first
23 degree when such person makes a threat toward a school, college or
24 university, place of worship, mass gathering of twenty-five people or

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

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1 more, or a business and such threat is made in writing, verbally or
2 expressed through any other means of communication.

3 Making a threat of mass violence in the first degree is a class D
4 felony and shall carry a fine of thirty-five thousand dollars and a
5 sentence of no less than three years.

6 § 2. Paragraph a of subdivision 1 of section 80.00 of the penal law,
7 as amended by section 27 of subpart A of part H of chapter 55 of the
8 laws of 2014, is amended to read as follows:

9 a. [~~five~~] thirty-five thousand dollars; or

10 § 3. This act shall take effect November 1, 2019.