STATE OF NEW YORK

2361--A

2019-2020 Regular Sessions

IN SENATE

January 24, 2019

Introduced by Sens. KAVANAGH, CARLUCCI, COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to categorizing hate crimes as serious offenses in relation to possession of firearms and to repeal certain provisions of such law relating thereto

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

Section 1. Legislative findings. (a) As the New York state legislature found in enacting the Hate Crimes Act of 2000, "The intolerable truth is that in these crimes, commonly and justly referred to as 'hate crimes', victims are intentionally selected, in whole or in part, because of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation. Hate crimes do more than threaten the safety and welfare of all citizens. They inflict on victims incalculable physical and emotional damage and tear at the very fabric of free society. Crimes motivated by invidious hatred toward particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the group to which the victim belongs. Hate crimes can and do intimidate and disrupt entire communities and vitiate the civility that is essential to healthy democratic processes."

(b) The pernicious harm of hate crimes on targeted individuals and communities is compounded by the use of firearms to threaten and harm the victims. According to one recent analysis, between 2010 and 2015, there were roughly 46,500 hate crimes committed in the United States that involved a gun. The threat of a gun from dangerous extremists sends a clear message that they not only harbor feelings of bias or hate against a particular group, but also that they are willing to kill in

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

LBD02177-03-0

service of this ideology. Keeping guns out of the hands of individuals who perpetrate hate crimes is therefore a crucial measure to help ensure the safety of groups that have historically been targeted. Current state law does not adequately ensure that individuals who have been convicted of hate crimes do not have easy access to guns.

§ 2. Paragraph (b) of subdivision 17 of section 265.00 of the penal law, as amended by section 3 of chapter 232 of the laws of 2010, is REPEALED.

§ 3. Paragraph (b) of subdivision 17 of section 265.00 of the penal law, as amended by section 2 of chapter 232 of the laws of 2010, is amended to read as follows:

(b) any of the following offenses defined in the penal law: illegally using, carrying or possessing a pistol or other dangerous weapon; possession of burglar's tools; criminal possession of stolen property in the third degree; escape in the third degree; jostling; fraudulent accosting; endangering the welfare of a child; the offenses defined in article two hundred thirty-five; issuing abortional articles; permitting prostitution; promoting prostitution in the third degree; stalking in the fourth degree; stalking in the third degree; the offenses defined in article one hundred thirty; the offenses defined in article two hundred twenty**; a hate crime as defined in article four hundred eighty-five**.

§ 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.