

# STATE OF NEW YORK

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2491

2019-2020 Regular Sessions

## IN ASSEMBLY

January 23, 2019

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

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, as  
2 amended by chapter 167 of the laws of 2017, is amended to read as  
3 follows:

4 1. "Public place" means a place to which the public or a substantial  
5 group of persons has access, and includes, but is not limited to, high-  
6 ways, transportation facilities, schools, places of amusement, parks,  
7 playgrounds, community centers with a religious affiliation, and hall-  
8 ways, lobbies and other portions of apartment houses and hotels not  
9 constituting rooms or apartments designed for actual residence.

10 § 2. Subdivision 3 of section 485.05 of the penal law, as amended by  
11 section 9 of part NN of chapter 55 of the laws of 2018, is amended to  
12 read as follows:

13 3. A "specified offense" is an offense defined by any of the following  
14 provisions of this chapter: section 120.00 (assault in the third  
15 degree); section 120.05 (assault in the second degree); section 120.10  
16 (assault in the first degree); section 120.12 (aggravated assault upon a  
17 person less than eleven years old); section 120.13 (menacing in the  
18 first degree); section 120.14 (menacing in the second degree); section  
19 120.15 (menacing in the third degree); section 120.20 (reckless endan-  
20 germent in the second degree); section 120.25 (reckless endangerment in  
21 the first degree); section 121.12 (strangulation in the second degree);  
22 section 121.13 (strangulation in the first degree); subdivision one of

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

LBD04603-01-9

1 section 125.15 (manslaughter in the second degree); subdivision one, two  
2 or four of section 125.20 (manslaughter in the first degree); section  
3 125.25 (murder in the second degree); section 120.45 (stalking in the  
4 fourth degree); section 120.50 (stalking in the third degree); section  
5 120.55 (stalking in the second degree); section 120.60 (stalking in the  
6 first degree); subdivision one of section 130.35 (rape in the first  
7 degree); subdivision one of section 130.50 (criminal sexual act in the  
8 first degree); subdivision one of section 130.65 (sexual abuse in the  
9 first degree); paragraph (a) of subdivision one of section 130.67  
10 (aggravated sexual abuse in the second degree); paragraph (a) of subdi-  
11 vision one of section 130.70 (aggravated sexual abuse in the first  
12 degree); section 135.05 (unlawful imprisonment in the second degree);  
13 section 135.10 (unlawful imprisonment in the first degree); section  
14 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in  
15 the first degree); section 135.60 (coercion in the third degree);  
16 section 135.61 (coercion in the second degree); section 135.65 (coercion  
17 in the first degree); section 140.10 (criminal trespass in the third  
18 degree); section 140.15 (criminal trespass in the second degree);  
19 section 140.17 (criminal trespass in the first degree); section 140.20  
20 (burglary in the third degree); section 140.25 (burglary in the second  
21 degree); section 140.30 (burglary in the first degree); section 145.00  
22 (criminal mischief in the fourth degree); section 145.05 (criminal  
23 mischief in the third degree); section 145.10 (criminal mischief in the  
24 second degree); section 145.12 (criminal mischief in the first degree);  
25 section 150.05 (arson in the fourth degree); section 150.10 (arson in  
26 the third degree); section 150.15 (arson in the second degree); section  
27 150.20 (arson in the first degree); section 155.25 (petit larceny);  
28 section 155.30 (grand larceny in the fourth degree); section 155.35  
29 (grand larceny in the third degree); section 155.40 (grand larceny in  
30 the second degree); section 155.42 (grand larceny in the first degree);  
31 section 160.05 (robbery in the third degree); section 160.10 (robbery in  
32 the second degree); section 160.15 (robbery in the first degree);  
33 section 240.25 (harassment in the first degree); subdivision one, two or  
34 four of section 240.30 (aggravated harassment in the second degree);  
35 section 240.55 (falsely reporting an incident in the second degree);  
36 section 240.60 (falsely reporting an incident in the first degree);  
37 section 240.62 (placing a false bomb or hazardous substance in the first  
38 degree); or any attempt or conspiracy to commit any of the foregoing  
39 offenses.

40 § 3. This act shall take effect immediately.