

STATE OF NEW YORK

228

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to classifying gang assault in the first degree and gang assault in the second degree as hate crimes

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 section 9 of part NN of chapter 55 of the laws of 2018, is
3 amended to read as 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 120.06
7 (gang assault in the second degree); section 120.07 (gang assault in the
8 first degree); section 120.10 (assault in the first degree); section
9 120.12 (aggravated assault upon a person less than eleven years old);
10 section 120.13 (menacing in the first degree); section 120.14 (menacing
11 in the second degree); section 120.15 (menacing in the third degree);
12 section 120.20 (reckless endangerment in the second degree); section
13 120.25 (reckless endangerment in the first degree); section 121.12
14 (strangulation in the second degree); section 121.13 (strangulation in
15 the first degree); subdivision one of section 125.15 (manslaughter in
16 the second degree); subdivision one, two or four of section 125.20
17 (manslaughter in the first degree); section 125.25 (murder in the second
18 degree); section 120.45 (stalking in the fourth degree); section 120.50
19 (stalking in the third degree); section 120.55 (stalking in the second
20 degree); section 120.60 (stalking in the first degree); subdivision one
21 of section 130.35 (rape in the first degree); subdivision one of section
22 130.50 (criminal sexual act in the first degree); subdivision one of
23 section 130.65 (sexual abuse in the first degree); paragraph (a) of

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

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1 subdivision one of section 130.67 (aggravated sexual abuse in the second
2 degree); paragraph (a) of subdivision one of section 130.70 (aggravated
3 sexual abuse in the first degree); section 135.05 (unlawful imprisonment
4 in the second degree); section 135.10 (unlawful imprisonment in the
5 first degree); section 135.20 (kidnapping in the second degree); section
6 135.25 (kidnapping in the first degree); section 135.60 (coercion in the
7 third degree); section 135.61 (coercion in the second degree); section
8 135.65 (coercion in the first degree); section 140.10 (criminal trespass
9 in the third degree); section 140.15 (criminal trespass in the second
10 degree); section 140.17 (criminal trespass in the first degree); section
11 140.20 (burglary in the third degree); section 140.25 (burglary in the
12 second degree); section 140.30 (burglary in the first degree); section
13 145.00 (criminal mischief in the fourth degree); section 145.05 (crimi-
14 nal mischief in the third degree); section 145.10 (criminal mischief in
15 the second degree); section 145.12 (criminal mischief in the first
16 degree); section 150.05 (arson in the fourth degree); section 150.10
17 (arson in the third degree); section 150.15 (arson in the second
18 degree); section 150.20 (arson in the first degree); section 155.25
19 (petit larceny); section 155.30 (grand larceny in the fourth degree);
20 section 155.35 (grand larceny in the third degree); section 155.40
21 (grand larceny in the second degree); section 155.42 (grand larceny in
22 the first degree); section 160.05 (robbery in the third degree); section
23 160.10 (robbery in the second degree); section 160.15 (robbery in the
24 first degree); section 240.25 (harassment in the first degree); subdivi-
25 sion one, two or four of section 240.30 (aggravated harassment in the
26 second degree); or any attempt or conspiracy to commit any of the fore-
27 going offenses.

28 § 2. This act shall take effect immediately.