STATE OF NEW YORK

86

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. KAMINSKY, BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the penal law, in relation to establishing the crimes of making a threat of mass harm and aggravated threat of mass harm

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

Section 1. The penal law is amended by adding two new sections 490.07 and 490.08 to read as follows:

§ 490.07 Making a threat of mass harm.

A person is guilty of making a threat of mass harm when he or she communicates by any means a threat to inflict, or a threat to cause to be inflicted, physical injury or death at a school, place of worship, business, government building, or other place of assembly such threat causes a reasonable expectation or fear of physical harm or death or causes the evacuation or lockdown of a school, place of worship, business, government building, or other place of assembly.

It is no defense to a prosecution for making a threat of mass harm that:

1. the defendant did not have the intent or capability of committing the threatened act; or

2. the threat was not made to a person who was the subject of the threat.

Making a threat of mass harm is a class A misdemeanor.

§ 490.08 Aggravated threat of mass harm.

A person is guilty of aggravated threat of mass harm when he or she engages in conduct as defined in section 490.07 of this article and has made any overt act in furtherance of the commission of such crime.

For purposes of this section, an overt act may include making a plan to carry out such threat, compiling a list of targets, possession of any

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

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weapon or device that can be used to carry out such threat, or other preparatory action.

Aggravated threat of mass harm is a class E felony.

§ 2. This act shall take effect immediately.