

STATE OF NEW YORK

7451

2021-2022 Regular Sessions

IN SENATE

October 20, 2021

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

AN ACT to amend the penal law, in relation to increasing the penalties for certain crimes involving tampering with a witness or intimidating a victim or witness

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

- 1 Section 1. The closing paragraph of section 215.11 of the penal law,
2 as added by chapter 664 of the laws of 1982, is amended to read as
3 follows:
4 Tampering with a witness in the third degree is a class [~~B~~] **D** felony.
5 § 2. The closing paragraph of section 215.12 of the penal law, as
6 added by chapter 664 of the laws of 1982, is amended to read as follows:
7 Tampering with a witness in the second degree is a class [~~B~~] **C** felony.
8 § 3. The closing paragraph of section 215.15 of the penal law, as
9 added by chapter 667 of the laws of 1985, is amended to read as follows:
10 Intimidating a victim or witness in the third degree is a class [~~B~~] **D**
11 felony.
12 § 4. The closing paragraph of section 215.16 of the penal law, as
13 added by chapter 667 of the laws of 1985, is amended to read as follows:
14 Intimidating a victim or witness in the second degree is a class [~~B~~] **C**
15 felony.
16 § 5. Paragraphs (b) and (c) of subdivision 1 of section 70.02 of the
17 penal law, paragraph (b) as amended by chapter 94 of the laws of 2020
18 and paragraph (c) as amended by chapter 134 of the laws of 2019, are
19 amended to read as follows:
20 (b) Class C violent felony offenses: an attempt to commit any of the
21 class B felonies set forth in paragraph (a) of this subdivision; aggra-
22 vated criminally negligent homicide as defined in section 125.11, aggra-
23 vated manslaughter in the second degree as defined in section 125.21,
24 aggravated sexual abuse in the second degree as defined in section

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

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1 130.67, assault on a peace officer, police officer, firefighter or emer-
2 gency medical services professional as defined in section 120.08,
3 assault on a judge as defined in section 120.09, gang assault in the
4 second degree as defined in section 120.06, strangulation in the first
5 degree as defined in section 121.13, aggravated strangulation as defined
6 in section 121.13-a, burglary in the second degree as defined in section
7 140.25, robbery in the second degree as defined in section 160.10,
8 tampering with a witness in the second degree as defined in section
9 215.12, intimidating a victim or witness in the second degree as defined
10 in section 215.16, criminal possession of a weapon in the second degree
11 as defined in section 265.03, criminal use of a firearm in the second
12 degree as defined in section 265.08, criminal sale of a firearm in the
13 second degree as defined in section 265.12, criminal sale of a firearm
14 with the aid of a minor as defined in section 265.14, aggravated crimi-
15 nal possession of a weapon as defined in section 265.19, soliciting or
16 providing support for an act of terrorism in the first degree as defined
17 in section 490.15, hindering prosecution of terrorism in the second
18 degree as defined in section 490.30, and criminal possession of a chemi-
19 cal weapon or biological weapon in the third degree as defined in
20 section 490.37.

21 (c) Class D violent felony offenses: an attempt to commit any of the
22 class C felonies set forth in paragraph (b); reckless assault of a child
23 as defined in section 120.02, assault in the second degree as defined in
24 section 120.05, menacing a police officer or peace officer as defined in
25 section 120.18, stalking in the first degree, as defined in subdivision
26 one of section 120.60, strangulation in the second degree as defined in
27 section 121.12, rape in the second degree as defined in section 130.30,
28 criminal sexual act in the second degree as defined in section 130.45,
29 sexual abuse in the first degree as defined in section 130.65, course of
30 sexual conduct against a child in the second degree as defined in
31 section 130.80, aggravated sexual abuse in the third degree as defined
32 in section 130.66, facilitating a sex offense with a controlled
33 substance as defined in section 130.90, labor trafficking as defined in
34 paragraphs (a) and (b) of subdivision three of section 135.35, criminal
35 possession of a weapon in the third degree as defined in subdivision
36 five, six, seven, eight, nine or ten of section 265.02, criminal sale of
37 a firearm in the third degree as defined in section 265.11, tampering
38 with a witness in the third degree as defined in section 215.11, intim-
39 idating a victim or witness in the [~~second~~] third degree as defined in
40 section [~~215.16~~] 215.15, soliciting or providing support for an act of
41 terrorism in the second degree as defined in section 490.10, and making
42 a terroristic threat as defined in section 490.20, falsely reporting an
43 incident in the first degree as defined in section 240.60, placing a
44 false bomb or hazardous substance in the first degree as defined in
45 section 240.62, placing a false bomb or hazardous substance in a sports
46 stadium or arena, mass transportation facility or enclosed shopping mall
47 as defined in section 240.63, aggravated unpermitted use of indoor pyro-
48 technics in the first degree as defined in section 405.18, and criminal
49 manufacture, sale, or transport of an undetectable firearm, rifle or
50 shotgun as defined in section 265.50.

51 § 6. This act shall take effect immediately.