STATE OF NEW YORK

89--B

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. KAMINSKY -- 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 240.78 and 240.79 to read as follows:

§ 240.78 Making a threat of mass harm.

1. A person is guilty of making a threat of mass harm when with the intent to intimidate a group of people or to create public alarm, such person threatens to inflict or cause to be inflicted, serious physical injury or death at a school, place of worship, business, government building, or other place of assembly, and thereby causes a reasonable expectation or fear of serious physical injury or death, or causes the evacuation or lockdown of a school, place of worship, business, government building, or other place of assembly.

2. It shall be no defense to a prosecution pursuant to this section that the defendant did not have the intent or capability of committing the conduct threatened.

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

§ 240.79 Aggravated threat of mass harm.

1. A person is guilty of aggravated threat of mass harm when such person engages in conduct as defined in section 240.78 of this article and has made any overt act in furtherance of the commission of such crime.

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

LBD00980-05-2

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

Aggravated threat of mass harm is a class A misdemeanor.

§ 2. This act shall take effect immediately.