STATE OF NEW YORK

1028

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

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

AN ACT to amend the penal law, in relation to establishing the crime of making a threat of mass violence

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 violence in the second degree.

A person is guilty of making a threat of mass violence in the second degree when:

1. such person, being under the age of eighteen makes a threat of mass violence toward a school, college or university, place of worship, mass gathering of twenty-five people or more, or a business and such threat is made in writing, verbally communicated or expressed through any other means of communication; or

2. such person, being eighteen years of age or older, but under the age of twenty-one, makes a threat of mass violence against a school which they currently attend and such threat is made in writing, verbally communicated or expressed through any other means of communication.

Making a threat of mass violence in the second degree shall carry a fine of thirty-five thousand dollars and a mandatory sentence of ten days in a detention facility or, in the case of a person over eighteen years of age, one hundred days in a specialized secure detention facility for older youth certified by the office of children and family services in conjunction with the state commission of correction.

§ 240.79 Making a threat of mass violence in the first degree.

A person is guilty of making a threat of mass violence in the first degree when such person makes a threat toward a school, college or university, place of worship, mass gathering of twenty-five people or

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

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more, or a business and such threat is made in writing, verbally or expressed through any other means of communication.

Making a threat of mass violence in the first degree is a class D felony and shall carry a fine of thirty-five thousand dollars and a sentence of no less than three years.

§ 2. Paragraph a of subdivision 1 of section 80.00 of the penal law, as amended by section 27 of subpart A of part H of chapter 55 of the laws of 2014, is amended to read as follows:

a. [~~five~~] thirty-five thousand dollars; or

§ 3. This act shall take effect November 1, 2021.