

STATE OF NEW YORK

801

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. JONES, BLANKENBUSH, WILLIAMS, MONTESANO,
J. M. GIGLIO, RA, NORRIS, MORINELLO, B. MILLER -- Multi-Sponsored by
-- M. of A. BARCLAY, GALEF, THIELE -- read once and referred to the
Committee on Codes

AN ACT to amend the penal law, in relation to the offenses of hindering
prosecution and conspiracy

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

- 1 Section 1. Section 205.55 of the penal law is amended to read as
2 follows:
3 § 205.55 Hindering prosecution in the third degree.
4 A person is guilty of hindering prosecution in the third degree when
5 he or she renders criminal assistance to a person who has committed a
6 felony.
7 Hindering prosecution in the third degree is a class [~~A-misdemeanor~~] **E**
8 **felony**.
9 § 2. Section 205.60 of the penal law is amended to read as follows:
10 § 205.60 Hindering prosecution in the second degree.
11 A person is guilty of hindering prosecution in the second degree when
12 he or she renders criminal assistance to a person who has committed a
13 class B or class C felony.
14 Hindering prosecution in the second degree is a class [~~B~~] **D** felony.
15 § 3. Section 205.65 of the penal law, as amended by chapter 398 of the
16 laws of 1970, is amended to read as follows:
17 § 205.65 Hindering prosecution in the first degree.
18 A person is guilty of hindering prosecution in the first degree when
19 he or she renders criminal assistance to a person who has committed a
20 class A felony, knowing or believing that such person has engaged in
21 conduct constituting a class A felony.
22 Hindering prosecution in the first degree is a class [~~D~~] **B** felony.

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

LBD05441-01-1

1 § 4. Section 105.05 of the penal law, as amended by chapter 422 of the
2 laws of 1978, is amended to read as follows:

3 § 105.05 Conspiracy in the fifth degree.

4 A person is guilty of conspiracy in the fifth degree when, with intent
5 that conduct constituting:

6 1. a felony be performed, he or she agrees with one or more persons to
7 engage in or cause the performance of such conduct; or

8 2. a crime be performed, he or she, being over eighteen years of age,
9 agrees with one or more persons under sixteen years of age to engage in
10 or cause the performance of such conduct.

11 Conspiracy in the fifth degree is a class [~~A misdemeanor~~] E felony.

12 § 5. The closing paragraph of section 105.10 of the penal law, as
13 amended by chapter 489 of the laws of 2000, is amended to read as
14 follows:

15 Conspiracy in the fourth degree is a class [~~E~~] D felony.

16 § 6. Section 105.13 of the penal law, as added by chapter 422 of the
17 laws of 1978, is amended to read as follows:

18 § 105.13 Conspiracy in the third degree.

19 A person is guilty of conspiracy in the third degree when, with intent
20 that conduct constituting a class B or a class C felony be performed, he
21 or she, being over eighteen years of age, agrees with one or more
22 persons under sixteen years of age to engage in or cause the performance
23 of such conduct.

24 Conspiracy in the third degree is a class [~~D~~] C felony.

25 § 7. This act shall take effect on the ninetieth day after it shall
26 have become a law.