STATE OF NEW YORK

3829

2021-2022 Regular Sessions

IN SENATE

January 31, 2021

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed 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.