STATE OF NEW YORK

3994

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sen. REICHLIN-MELNICK -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the penal law, in relation to acts of domestic terrorism

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

Section 1. Subdivision 1 of section 490.05 of the penal law, as added by chapter 300 of the laws of 2001, is amended to read as follows:

1. "Act of terrorism":

(a) for purposes of this article means**: (i)** an act or acts constituting a specified offense as defined in subdivision three of this section for which a person may be convicted in the criminal courts of this state pursuant to article twenty of the criminal procedure law, or an act or acts constituting an offense in any other jurisdiction within or outside the territorial boundaries of the United States which contains all of the essential elements of a specified offense, that is intended to:

[~~(i)~~] **(A)** intimidate or coerce a civilian population;

[~~(ii)~~] **(B)** influence the policy of a unit of government by intimidation or coercion; or

[~~(iii)~~] **(C)** affect the conduct of a unit of government by murder, assassination or kidnapping; or

(ii) the knowing, unlawful discharge of a firearm or use of a knife with the intent to cause physical harm or death to another person or persons in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of such person or persons, or damage to private or public property associated in whole or in substantial part with such beliefs or perceptions:

(A) within a distance of one thousand feet from the grounds of a public, parochial or private school; or

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

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(B) within a distance of one thousand feet from the grounds of a place of worship; or

(C) in a place of business with one or more employees; or

(D) within one thousand feet of a mass gathering of more than twenty-five people.

(b) for purposes of subparagraph (xiii) of paragraph (a) of subdivision one of section 125.27 of this chapter means**: (i)** activities that involve a violent act or acts dangerous to human life that are in violation of the criminal laws of this state and are intended to:

[~~(i)~~] **(A)** intimidate or coerce a civilian population;

[~~(ii)~~] **(B)** influence the policy of a unit of government by intimidation or coercion; or

[~~(iii)~~] **(C)** affect the conduct of a unit of government by murder, assassination or kidnapping[~~.~~]**; or**

(ii) the knowing, unlawful discharge of a firearm or use of a knife with the intent to cause physical harm or death to another person or persons in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of such person or persons, or damage to private or public property associated in whole or in substantial part with such beliefs or perceptions:

(A) within a distance of one thousand feet from the grounds of a public, parochial or private school; or

(B) within a distance of one thousand feet from the grounds of a place of worship; or

(C) in a place of business with one or more employees; or

(D) within one thousand feet of a mass gathering of more than twenty-five people.

§ 2. Subdivision 1 of section 490.25 of the penal law, as added by chapter 300 of the laws of 2001, is amended to read as follows:

1. A person is guilty of a crime of terrorism when, with intent to intimidate or coerce a civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government**, school, house of worship or business or mass gathering** by murder, assassination or kidnapping, he or she commits a specified offense.

§ 3. This act shall take effect immediately.