

# STATE OF NEW YORK

---

5072

2021-2022 Regular Sessions

## IN SENATE

February 23, 2021

---

Introduced by Sens. PARKER, KAMINSKY, KAPLAN, MAYER -- 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 bias-related graffiti

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

1 Section 1. Subdivision 3 of section 485.05 of the penal law, as  
2 amended by section 3 of part R of chapter 55 of the laws of 2020, is  
3 amended to read as follows:

4 3. A "specified offense" is an offense defined by any of the following  
5 provisions of this chapter: section 120.00 (assault in the third  
6 degree); section 120.05 (assault in the second degree); section 120.10  
7 (assault in the first degree); section 120.12 (aggravated assault upon a  
8 person less than eleven years old); section 120.13 (menacing in the  
9 first degree); section 120.14 (menacing in the second degree); section  
10 120.15 (menacing in the third degree); section 120.20 (reckless endan-  
11 germent in the second degree); section 120.25 (reckless endangerment in  
12 the first degree); section 121.12 (strangulation in the second degree);  
13 section 121.13 (strangulation in the first degree); subdivision one of  
14 section 125.15 (manslaughter in the second degree); subdivision one, two  
15 or four of section 125.20 (manslaughter in the first degree); section  
16 125.25 (murder in the second degree); section 120.45 (stalking in the  
17 fourth degree); section 120.50 (stalking in the third degree); section  
18 120.55 (stalking in the second degree); section 120.60 (stalking in the  
19 first degree); subdivision one of section 130.35 (rape in the first  
20 degree); subdivision one of section 130.50 (criminal sexual act in the  
21 first degree); subdivision one of section 130.65 (sexual abuse in the  
22 first degree); paragraph (a) of subdivision one of section 130.67  
23 (aggravated sexual abuse in the second degree); paragraph (a) of subdi-  
24 vision one of section 130.70 (aggravated sexual abuse in the first  
25 degree); section 135.05 (unlawful imprisonment in the second degree);

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

LBD09274-01-1

1 section 135.10 (unlawful imprisonment in the first degree); section  
2 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in  
3 the first degree); section 135.60 (coercion in the third degree);  
4 section 135.61 (coercion in the second degree); section 135.65 (coercion  
5 in the first degree); section 140.10 (criminal trespass in the third  
6 degree); section 140.15 (criminal trespass in the second degree);  
7 section 140.17 (criminal trespass in the first degree); section 140.20  
8 (burglary in the third degree); section 140.25 (burglary in the second  
9 degree); section 140.30 (burglary in the first degree); section 145.00  
10 (criminal mischief in the fourth degree); section 145.05 (criminal  
11 mischief in the third degree); section 145.10 (criminal mischief in the  
12 second degree); section 145.12 (criminal mischief in the first degree);  
13 section 145.60 (making graffiti); section 150.05 (arson in the fourth  
14 degree); section 150.10 (arson in the third degree); section 150.15  
15 (arson in the second degree); section 150.20 (arson in the first  
16 degree); section 155.25 (petit larceny); section 155.30 (grand larceny  
17 in the fourth degree); section 155.35 (grand larceny in the third  
18 degree); section 155.40 (grand larceny in the second degree); section  
19 155.42 (grand larceny in the first degree); section 160.05 (robbery in  
20 the third degree); section 160.10 (robbery in the second degree);  
21 section 160.15 (robbery in the first degree); section 240.25 (harassment  
22 in the first degree); subdivision one, two or four of section 240.30  
23 (aggravated harassment in the second degree); section 490.10 (soliciting  
24 or providing support for an act of terrorism in the second degree);  
25 section 490.15 (soliciting or providing support for an act of terrorism  
26 in the first degree); section 490.20 (making a terroristic threat);  
27 section 490.25 (crime of terrorism); section 490.30 (hindering prose-  
28 cution of terrorism in the second degree); section 490.35 (hindering  
29 prosecution of terrorism in the first degree); section 490.37 (criminal  
30 possession of a chemical weapon or biological weapon in the third  
31 degree); section 490.40 (criminal possession of a chemical weapon or  
32 biological weapon in the second degree); section 490.45 (criminal  
33 possession of a chemical weapon or biological weapon in the first  
34 degree); section 490.47 (criminal use of a chemical weapon or biological  
35 weapon in the third degree); section 490.50 (criminal use of a chemical  
36 weapon or biological weapon in the second degree); section 490.55 (crim-  
37 inal use of a chemical weapon or biological weapon in the first degree);  
38 or any attempt or conspiracy to commit any of the foregoing offenses.  
39 § 2. This act shall take effect on the first of November next succeed-  
40 ing the date on which it shall have become a law.