STATE OF NEW YORK

7112

2021-2022 Regular Sessions

IN SENATE

June 1, 2021

Introduced by Sen. GOUNARDES -- 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 requiring diversity awareness training for individuals convicted of hate crimes and similar offenses

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

Section 1. Subdivision 5 of section 485.10 of the penal law, as added by chapter 158 of the laws of 2010, is amended to read as follows:

5. In addition to any of the dispositions authorized by this chapter, the court [~~may~~] **shall** require as part of the sentence imposed upon a person convicted of a hate crime pursuant to this article, that the defendant complete a program, training session or counseling session directed at hate crime prevention and education **and diversity awareness**, [~~where the court determines such program, training session or counseling session is appropriate, available and was~~] developed or authorized by the court or local agencies in cooperation with organizations serving the affected community.

§ 2. The penal law is amended by adding a new section 60.38 to read as follows:

§ 60.38 Authorized disposition; diversity awareness training.

When a person has been convicted of aggravated harassment in the second degree under subdivision three of section 240.30, or aggravated harassment in the first degree as defined in section 240.31, of this chapter the court shall require that such person complete a program of diversity awareness training as set forth in section 485.10 of this chapter prior to release from incarceration, or the completion of probation or parole, as applicable.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.

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

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