

STATE OF NEW YORK

10043

IN ASSEMBLY

May 2, 2024

Introduced by M. of A. REILLY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crimes of deceptive wearing of a mask and aggravated deceptive wearing of a mask

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

1 Section 1. The penal law is amended by adding two new sections 190.90
2 and 190.91 to read as follows:

3 § 190.90 Deceptive wearing of a mask.

4 A person is guilty of deceptive wearing of a mask when, such person
5 being masked or in any manner disguised by unusual or unnatural attire
6 or facial alteration, loiters, remains or congregates in a public place
7 with other persons so masked or disguised while engaged in a protest,
8 rally or other public assembly, or knowingly permits or aids persons so
9 masked or disguised to congregate in a public place; except that such
10 conduct is not unlawful when it is worn for religious observance or
11 customs or when it occurs in connection with a masquerade party or like
12 entertainment if, when such entertainment is held in a city which has
13 promulgated regulations in connection with such affairs, permission is
14 first obtained from the police or other appropriate authorities.

15 Deceptive wearing of a mask is a class B misdemeanor.

16 § 190.91 Aggravated deceptive wearing of a mask.

17 A person is guilty of aggravated deceptive wearing of a mask when,
18 such person being masked or in any manner disguised by unusual or unna-
19 tural attire or facial alteration, loiters, remains or congregates in a
20 public place with other persons so masked or disguised while engaged in
21 the conduct of deceptive wearing of a mask and cause injury to a person
22 or damage to property or theft of property belonging to another person,
23 or knowingly permits or aids persons so masked or disguised to congre-
24 gate in a public place; except that such conduct is not unlawful when it
25 is worn for religious observance or customs or when it occurs in
26 connection with a masquerade party or like entertainment if, when such
27 entertainment is held in a city which has promulgated regulations in

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

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1 connection with such affairs, permission is first obtained from the
2 police or other appropriate authorities.
3 Aggravated deceptive wearing of a mask is a class A misdemeanor.
4 § 2. This act shall take effect on the ninetieth day after it shall
5 have become a law.