STATE OF NEW YORK

1765

2023-2024 Regular Sessions

IN ASSEMBLY

January 20, 2023

Introduced by M. of A. JONES, BLANKENBUSH, WILLIAMS, J. M. GIGLIO, RA, NORRIS, MORINELLO, MILLER -- Multi-Sponsored by -- M. of A. BARCLAY, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the offenses of hindering prosecution and conspiracy

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

Section 1. Section 205.55 of the penal law is amended to read as follows:

§ 205.55 Hindering prosecution in the third degree.

A person is guilty of hindering prosecution in the third degree when he **or she** renders criminal assistance to a person who has committed a felony.

Hindering prosecution in the third degree is a class [~~A misdemeanor~~] **E felony**.

§ 2. Section 205.60 of the penal law is amended to read as follows:

§ 205.60 Hindering prosecution in the second degree.

A person is guilty of hindering prosecution in the second degree when he **or she** renders criminal assistance to a person who has committed a class B or class C felony.

Hindering prosecution in the second degree is a class [~~E~~] **D** felony.

§ 3. Section 205.65 of the penal law, as amended by chapter 398 of the laws of 1970, is amended to read as follows:

§ 205.65 Hindering prosecution in the first degree.

A person is guilty of hindering prosecution in the first degree when he **or she** renders criminal assistance to a person who has committed a class A felony, knowing or believing that such person has engaged in conduct constituting a class A felony.

Hindering prosecution in the first degree is a class [~~D~~] **B** felony.

§ 4. Section 105.05 of the penal law, as amended by chapter 422 of the laws of 1978, is amended to read as follows:

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

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§ 105.05 Conspiracy in the fifth degree.

A person is guilty of conspiracy in the fifth degree when, with intent that conduct constituting:

1. a felony be performed, he **or she** agrees with one or more persons to engage in or cause the performance of such conduct; or

2. a crime be performed, he **or she**, being over eighteen years of age, agrees with one or more persons under sixteen years of age to engage in or cause the performance of such conduct.

Conspiracy in the fifth degree is a class [~~**A misdemeanor**~~] **E felony**.

§ 5. The closing paragraph of section 105.10 of the penal law, as amended by chapter 489 of the laws of 2000, is amended to read as follows:

Conspiracy in the fourth degree is a class [~~**E**~~] **D** felony.

§ 6. Section 105.13 of the penal law, as added by chapter 422 of the laws of 1978, is amended to read as follows:

§ 105.13 Conspiracy in the third degree.

A person is guilty of conspiracy in the third degree when, with intent that conduct constituting a class B or a class C felony be performed, he **or she**, being over eighteen years of age, agrees with one or more persons under sixteen years of age to engage in or cause the performance of such conduct.

Conspiracy in the third degree is a class [~~**D**~~] **C** felony.

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