

# 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 Assem-  
bly, do enact as follows:

1 Section 1. Section 205.55 of the penal law is amended to read as  
2 follows:  
3 § 205.55 Hindering prosecution in the third degree.  
4 A person is guilty of hindering prosecution in the third degree when  
5 he or she renders criminal assistance to a person who has committed a  
6 felony.  
7 Hindering prosecution in the third degree is a class [~~A misdemeanor~~] **E**  
8 **felony**.  
9 § 2. Section 205.60 of the penal law is amended to read as follows:  
10 § 205.60 Hindering prosecution in the second degree.  
11 A person is guilty of hindering prosecution in the second degree when  
12 he or she renders criminal assistance to a person who has committed a  
13 class B or class C felony.  
14 Hindering prosecution in the second degree is a class [~~E~~] **D** felony.  
15 § 3. Section 205.65 of the penal law, as amended by chapter 398 of the  
16 laws of 1970, is amended to read as follows:  
17 § 205.65 Hindering prosecution in the first degree.  
18 A person is guilty of hindering prosecution in the first degree when  
19 he or she renders criminal assistance to a person who has committed a  
20 class A felony, knowing or believing that such person has engaged in  
21 conduct constituting a class A felony.  
22 Hindering prosecution in the first degree is a class [~~D~~] **B** felony.  
23 § 4. Section 105.05 of the penal law, as amended by chapter 422 of the  
24 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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1 § 105.05 Conspiracy in the fifth degree.

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

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

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

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

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

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

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

16 § 105.13 Conspiracy in the third degree.

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

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

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