

# STATE OF NEW YORK

6086

2023-2024 Regular Sessions

## IN ASSEMBLY

April 3, 2023

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

AN ACT to amend the penal law, in relation to increasing the classification of misdemeanor hate crime offenses to a felony

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

- 1 Section 1. Subdivision 2 of section 485.10 of the penal law, as added  
2 by chapter 107 of the laws of 2000, is amended to read as follows:  
3 2. When a person is convicted of a hate crime pursuant to this article  
4 and the specified offense is [~~a misdemeanor or~~] a class C, D or E felo-  
5 ny, the hate crime shall be deemed to be one category higher than the  
6 specified offense the defendant committed, or one category higher than  
7 the offense level applicable to the defendant's conviction for an  
8 attempt or conspiracy to commit a specified offense, whichever is appli-  
9 cable. When a person is convicted of a hate crime pursuant to this arti-  
10 cle and the specified offense is a misdemeanor or an attempt or conspir-  
11 acy to commit a specified offense that is a misdemeanor, the hate crime  
12 shall be deemed to be a class E felony.  
13 § 2. This act shall take effect on the one hundred twentieth day after  
14 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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