

# STATE OF NEW YORK

7792

2023-2024 Regular Sessions

## IN ASSEMBLY

June 15, 2023

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

AN ACT to amend the penal law, in relation to establishing a rebuttable  
presumption of a hate crime when certain crimes are committed on, in  
or upon a house of worship

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

1 Section 1. Section 485.05 of the penal law is amended by adding a new  
2 subdivision 2-a to read as follows:

3 2-a. Any crime committed as defined in subdivision three of this  
4 section that occurs on, in or upon a house of worship creates a rebutta-  
5 ble presumption that it is a hate crime.

6 § 2. Paragraph (c) of subdivision 4 of section 485.05 of the penal  
7 law, as amended by chapter 8 of the laws of 2019, is amended and a new  
8 paragraph (d) is added to read as follows:

9 (c) the term "gender identity or expression" means a person's actual  
10 or perceived gender-related identity, appearance, behavior, expression,  
11 or other gender-related characteristic regardless of the sex assigned to  
12 that person at birth, including, but not limited to, the status of being  
13 transgender[-];

14 (d) "House of worship" shall mean any structure or site used primarily  
15 as a place of worship on a permanent basis by a recognized and estab-  
16 lished religious sect or denomination provided, however, that this defi-  
17 inition shall not include any religious site or structure used as a:  
18 school, college, hospital or other similar structure or site that is not  
19 used primarily for religious worship.

20 § 3. This act shall take effect immediately.

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

LBD10977-01-3