

# STATE OF NEW YORK

2371

2023-2024 Regular Sessions

## IN SENATE

January 20, 2023

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to including solicitation of certain crimes as a specified offense for the purposes of a hate crime

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

1 Section 1. Subdivision 3 of section 485.05 of the penal law, as  
2 amended by section 3 of part R of chapter 55 of the laws of 2020, is  
3 amended to read as follows:

4 3. A "specified offense" is an offense defined by any of the following  
5 provisions of this chapter: section 120.00 (assault in the third  
6 degree); section 120.05 (assault in the second degree); section 120.10  
7 (assault in the first degree); section 120.12 (aggravated assault upon a  
8 person less than eleven years old); section 120.13 (menacing in the  
9 first degree); section 120.14 (menacing in the second degree); section  
10 120.15 (menacing in the third degree); section 120.20 (reckless endan-  
11 germent in the second degree); section 120.25 (reckless endangerment in  
12 the first degree); section 121.12 (strangulation in the second degree);  
13 section 121.13 (strangulation in the first degree); subdivision one of  
14 section 125.15 (manslaughter in the second degree); subdivision one, two  
15 or four of section 125.20 (manslaughter in the first degree); section  
16 125.25 (murder in the second degree); section 120.45 (stalking in the  
17 fourth degree); section 120.50 (stalking in the third degree); section  
18 120.55 (stalking in the second degree); section 120.60 (stalking in the  
19 first degree); subdivision one of section 130.35 (rape in the first  
20 degree); subdivision one of section 130.50 (criminal sexual act in the  
21 first degree); subdivision one of section 130.65 (sexual abuse in the  
22 first degree); paragraph (a) of subdivision one of section 130.67  
23 (aggravated sexual abuse in the second degree); paragraph (a) of subdi-  
24 vision one of section 130.70 (aggravated sexual abuse in the first  
25 degree); section 135.05 (unlawful imprisonment in the second degree);

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

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1 section 135.10 (unlawful imprisonment in the first degree); section  
2 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in  
3 the first degree); section 135.60 (coercion in the third degree);  
4 section 135.61 (coercion in the second degree); section 135.65 (coercion  
5 in the first degree); section 140.10 (criminal trespass in the third  
6 degree); section 140.15 (criminal trespass in the second degree);  
7 section 140.17 (criminal trespass in the first degree); section 140.20  
8 (burglary in the third degree); section 140.25 (burglary in the second  
9 degree); section 140.30 (burglary in the first degree); section 145.00  
10 (criminal mischief in the fourth degree); section 145.05 (criminal  
11 mischief in the third degree); section 145.10 (criminal mischief in the  
12 second degree); section 145.12 (criminal mischief in the first degree);  
13 section 150.05 (arson in the fourth degree); section 150.10 (arson in  
14 the third degree); section 150.15 (arson in the second degree); section  
15 150.20 (arson in the first degree); section 155.25 (petit larceny);  
16 section 155.30 (grand larceny in the fourth degree); section 155.35  
17 (grand larceny in the third degree); section 155.40 (grand larceny in  
18 the second degree); section 155.42 (grand larceny in the first degree);  
19 section 160.05 (robbery in the third degree); section 160.10 (robbery in  
20 the second degree); section 160.15 (robbery in the first degree);  
21 section 240.25 (harassment in the first degree); subdivision one, two or  
22 four of section 240.30 (aggravated harassment in the second degree);  
23 section 490.10 (soliciting or providing support for an act of terrorism  
24 in the second degree); section 490.15 (soliciting or providing support  
25 for an act of terrorism in the first degree); section 490.20 (making a  
26 terroristic threat); section 490.25 (crime of terrorism); section 490.30  
27 (hindering prosecution of terrorism in the second degree); section  
28 490.35 (hindering prosecution of terrorism in the first degree); section  
29 490.37 (criminal possession of a chemical weapon or biological weapon in  
30 the third degree); section 490.40 (criminal possession of a chemical  
31 weapon or biological weapon in the second degree); section 490.45 (criminal  
32 possession of a chemical weapon or biological weapon in the first  
33 degree); section 490.47 (criminal use of a chemical weapon or biological  
34 weapon in the third degree); section 490.50 (criminal use of a chemical  
35 weapon or biological weapon in the second degree); section 490.55 (criminal  
36 use of a chemical weapon or biological weapon in the first degree);  
37 or any attempt ~~[ex]~~ to commit, conspiracy to commit, solicitation of, or  
38 facilitation of any of the foregoing offenses.  
39 § 2. This act shall take effect immediately.