STATE OF NEW YORK

6081--A

2023-2024 Regular Sessions

IN SENATE

March 28, 2023

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to designating offenses against homeless persons as hate crimes

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

Section 1. Short title. This act shall be known and may be cited as the "homeless protection act".

§ 2. Subdivisions 1, 2 and 4 of section 485.05 of the penal law, as amended by chapter 8 of the laws of 2019, are amended to read as follows:

1. A person commits a hate crime when he or she commits a specified offense and either:

(a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability**, homelessness,** or sexual orientation of a person, regardless of whether the belief or perception is correct, or

(b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability**, homelessness,** or sexual orientation of a person, regardless of whether the belief or perception is correct.

2. Proof of race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability**, homelessness,** or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legal-

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

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ly sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

4. For purposes of this section:

(a) the term "age" means sixty years old or more;

(b) the term "disability" means a physical or mental impairment that substantially limits a major life activity;

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

(d) the term "homelessness" means the set of circumstances in which an individual or family lacks a fixed regular nighttime residence, resides in a place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, public sidewalk or street, hallway, bus or train station, lobby or similar place, resides in a residential program for victims of domestic violence, or resides in a supervised publicly or privately operated shelter designated to provide temporary living arrangements, including hotels and motels paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, congregate shelters, homeless shelters, or transitional housing.

§ 3. This act shall take effect immediately.