STATE OF NEW YORK

6804

2023-2024 Regular Sessions

IN SENATE

May 10, 2023

Introduced by Sen. KENNEDY -- 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 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 Assembly, do enact as follows:

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

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

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

(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[~~.~~]**;**

(d) "House of worship" shall mean any structure or site used primarily as a place of worship on a permanent basis by a recognized and established religious sect or denomination provided, however, that this definition shall not include any religious site or structure used as a: school, college, hospital or other similar structure or site that is not used primarily for religious worship.

§ 3. This act shall take effect immediately.

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

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