

STATE OF NEW YORK

7040

2023-2024 Regular Sessions

IN SENATE

May 17, 2023

Introduced by Sen. WEBER -- 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 expanding the criteria for a hate crime

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

1 Section 1. Subdivision 1 of section 485.05 of the penal law, as
2 amended by chapter 8 of the laws of 2019, is amended to read as follows:

3 1. A person commits a hate crime when he or she:

4 (a) commits a specified offense and either:

5 [~~a~~] (i) intentionally selects the person against whom the offense is
6 committed or intended to be committed in whole or in substantial part
7 because of a belief or perception regarding the race, color, national
8 origin, ancestry, gender, gender identity or expression, religion, reli-
9 gious practice, age, disability or sexual orientation of a person,
10 regardless of whether the belief or perception is correct, or

11 [~~b~~] (ii) intentionally commits the act or acts constituting the
12 offense in whole or in substantial part because of a belief or percep-
13 tion regarding the race, color, national origin, ancestry, gender,
14 gender identity or expression, religion, religious practice, age, disa-
15 bility or sexual orientation of a person, regardless of whether the
16 belief or perception is correct; or

17 (b) commits a specified offense or a violation of section 140.05 of
18 this chapter in or on the grounds of a church, synagogue, mosque or
19 other house of worship.

20 § 2. Subdivision 2 of section 485.10 of the penal law, as added by
21 chapter 107 of the laws of 2000, is amended to read as follows:

22 2. When a person is convicted of a hate crime pursuant to this article
23 and the specified offense is a violation, a misdemeanor or a class C, D
24 or E felony, the hate crime shall be deemed to be one category higher
25 than the specified offense the defendant committed, or one category

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

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1 higher than the offense level applicable to the defendant's conviction
2 for an attempt or conspiracy to commit a specified offense, whichever is
3 applicable.

4 § 3. This act shall take effect immediately.