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:

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

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

(a) commits a specified offense and either:

[~~(a)~~] **(i)** 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 or sexual orientation of a person, regardless of whether the belief or perception is correct, or

[~~(b)~~] **(ii)** 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 or sexual orientation of a person, regardless of whether the belief or perception is correct**; or**

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

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

2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a **violation, a** misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher 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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higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.

§ 3. This act shall take effect immediately.