

STATE OF NEW YORK

8646

IN SENATE

February 26, 2024

Introduced by Sens. MARTINS, CANZONERI-FITZPATRICK, GRIFFO, OBERACKER, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the criminal procedure law, in relation to establishing the crime of aggravated disorderly conduct

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

1 Section 1. The penal law is amended by adding a new section 240.20-a
2 to read as follows:

3 § 240.20-a Aggravated disorderly conduct.

4 A person is guilty of aggravated disorderly conduct when, with intent
5 to cause public inconvenience, annoyance or alarm, or recklessly creat-
6 ing a risk thereof the person obstructs vehicular or pedestrian traffic
7 or prevents the public from entering or exiting buildings during an
8 unpermitted or unlawful protest, demonstration, or assembly.

9 Aggravated disorderly conduct is a class A misdemeanor.

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

13 3. A "specified offense" is an offense defined by any of the following
14 provisions of this chapter: section 120.00 (assault in the third
15 degree); section 120.05 (assault in the second degree); section 120.10
16 (assault in the first degree); section 120.12 (aggravated assault upon a
17 person less than eleven years old); section 120.13 (menacing in the
18 first degree); section 120.14 (menacing in the second degree); section
19 120.15 (menacing in the third degree); section 120.20 (reckless endan-
20 germent in the second degree); section 120.25 (reckless endangerment in
21 the first degree); section 121.12 (strangulation in the second degree);
22 section 121.13 (strangulation in the first degree); subdivision one of
23 section 125.15 (manslaughter in the second degree); subdivision one, two
24 or four of section 125.20 (manslaughter in the first degree); section
25 125.25 (murder in the second degree); section 120.45 (stalking in the
26 fourth degree); section 120.50 (stalking in the third degree); section
27 120.55 (stalking in the second degree); section 120.60 (stalking in the

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

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1 first degree); subdivision one of section 130.35 (rape in the first
2 degree); subdivision one of section 130.50 (criminal sexual act in the
3 first degree); subdivision one of section 130.65 (sexual abuse in the
4 first degree); paragraph (a) of subdivision one of section 130.67
5 (aggravated sexual abuse in the second degree); paragraph (a) of subdivi-
6 sion one of section 130.70 (aggravated sexual abuse in the first
7 degree); section 135.05 (unlawful imprisonment in the second degree);
8 section 135.10 (unlawful imprisonment in the first degree); section
9 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in
10 the first degree); section 135.60 (coercion in the third degree);
11 section 135.61 (coercion in the second degree); section 135.65 (coercion
12 in the first degree); section 140.10 (criminal trespass in the third
13 degree); section 140.15 (criminal trespass in the second degree);
14 section 140.17 (criminal trespass in the first degree); section 140.20
15 (burglary in the third degree); section 140.25 (burglary in the second
16 degree); section 140.30 (burglary in the first degree); section 145.00
17 (criminal mischief in the fourth degree); section 145.05 (criminal
18 mischief in the third degree); section 145.10 (criminal mischief in the
19 second degree); section 145.12 (criminal mischief in the first degree);
20 section 150.05 (arson in the fourth degree); section 150.10 (arson in
21 the third degree); section 150.15 (arson in the second degree); section
22 150.20 (arson in the first degree); section 155.25 (petit larceny);
23 section 155.30 (grand larceny in the fourth degree); section 155.35
24 (grand larceny in the third degree); section 155.40 (grand larceny in
25 the second degree); section 155.42 (grand larceny in the first degree);
26 section 160.05 (robbery in the third degree); section 160.10 (robbery in
27 the second degree); section 160.15 (robbery in the first degree);
28 section 240.20-a (aggravated disorderly conduct); section 240.25
29 (harassment in the first degree); subdivision one, two or four of
30 section 240.30 (aggravated harassment in the second degree); section
31 490.10 (soliciting or providing support for an act of terrorism in the
32 second degree); section 490.15 (soliciting or providing support for an
33 act of terrorism in the first degree); section 490.20 (making a terror-
34 istic threat); section 490.25 (crime of terrorism); section 490.30
35 (hindering prosecution of terrorism in the second degree); section
36 490.35 (hindering prosecution of terrorism in the first degree); section
37 490.37 (criminal possession of a chemical weapon or biological weapon in
38 the third degree); section 490.40 (criminal possession of a chemical
39 weapon or biological weapon in the second degree); section 490.45 (crim-
40 inal possession of a chemical weapon or biological weapon in the first
41 degree); section 490.47 (criminal use of a chemical weapon or biological
42 weapon in the third degree); section 490.50 (criminal use of a chemical
43 weapon or biological weapon in the second degree); section 490.55 (crim-
44 inal use of a chemical weapon or biological weapon in the first degree);
45 or any attempt or conspiracy to commit any of the foregoing offenses.

46 § 3. Subdivision 3 of section 485.05 of the penal law, as amended by
47 chapter 23 of the laws of 2024, is amended to read as follows:

48 3. A "specified offense" is an offense defined by any of the following
49 provisions of this chapter: section 120.00 (assault in the third
50 degree); section 120.05 (assault in the second degree); section 120.10
51 (assault in the first degree); section 120.12 (aggravated assault upon a
52 person less than eleven years old); section 120.13 (menacing in the
53 first degree); section 120.14 (menacing in the second degree); section
54 120.15 (menacing in the third degree); section 120.20 (reckless endan-
55 germent in the second degree); section 120.25 (reckless endangerment in
56 the first degree); section 121.12 (strangulation in the second degree);

1 section 121.13 (strangulation in the first degree); subdivision one of
2 section 125.15 (manslaughter in the second degree); subdivision one, two
3 or four of section 125.20 (manslaughter in the first degree); section
4 125.25 (murder in the second degree); section 120.45 (stalking in the
5 fourth degree); section 120.50 (stalking in the third degree); section
6 120.55 (stalking in the second degree); section 120.60 (stalking in the
7 first degree); paragraph (a) of subdivision one, paragraph (a) of subdivi-
8 sion two and paragraph (a) of subdivision three of section 130.35
9 (rape in the first degree); former subdivision one of section 130.35
10 (rape in the first degree); subdivision one of former section 130.50;
11 subdivision one of section 130.65 (sexual abuse in the first degree);
12 paragraph (a) of subdivision one of section 130.67 (aggravated sexual
13 abuse in the second degree); paragraph (a) of subdivision one of section
14 130.70 (aggravated sexual abuse in the first degree); section 135.05
15 (unlawful imprisonment in the second degree); section 135.10 (unlawful
16 imprisonment in the first degree); section 135.20 (kidnapping in the
17 second degree); section 135.25 (kidnapping in the first degree); section
18 135.60 (coercion in the third degree); section 135.61 (coercion in the
19 second degree); section 135.65 (coercion in the first degree); section
20 140.10 (criminal trespass in the third degree); section 140.15 (criminal
21 trespass in the second degree); section 140.17 (criminal trespass in the
22 first degree); section 140.20 (burglary in the third degree); section
23 140.25 (burglary in the second degree); section 140.30 (burglary in the
24 first degree); section 145.00 (criminal mischief in the fourth degree);
25 section 145.05 (criminal mischief in the third degree); section 145.10
26 (criminal mischief in the second degree); section 145.12 (criminal
27 mischief in the first degree); section 150.05 (arson in the fourth
28 degree); section 150.10 (arson in the third degree); section 150.15
29 (arson in the second degree); section 150.20 (arson in the first
30 degree); section 155.25 (petit larceny); section 155.30 (grand larceny
31 in the fourth degree); section 155.35 (grand larceny in the third
32 degree); section 155.40 (grand larceny in the second degree); section
33 155.42 (grand larceny in the first degree); section 160.05 (robbery in
34 the third degree); section 160.10 (robbery in the second degree);
35 section 160.15 (robbery in the first degree); section 240.20-a (aggra-
36 vated disorderly conduct); section 240.25 (harassment in the first
37 degree); subdivision one, two or four of section 240.30 (aggravated
38 harassment in the second degree); section 490.10 (soliciting or provid-
39 ing support for an act of terrorism in the second degree); section
40 490.15 (soliciting or providing support for an act of terrorism in the
41 first degree); section 490.20 (making a terroristic threat); section
42 490.25 (crime of terrorism); section 490.30 (hindering prosecution of
43 terrorism in the second degree); section 490.35 (hindering prosecution
44 of terrorism in the first degree); section 490.37 (criminal possession
45 of a chemical weapon or biological weapon in the third degree); section
46 490.40 (criminal possession of a chemical weapon or biological weapon in
47 the second degree); section 490.45 (criminal possession of a chemical
48 weapon or biological weapon in the first degree); section 490.47 (crimi-
49 nal use of a chemical weapon or biological weapon in the third degree);
50 section 490.50 (criminal use of a chemical weapon or biological weapon
51 in the second degree); section 490.55 (criminal use of a chemical weapon
52 or biological weapon in the first degree); or any attempt or conspiracy
53 to commit any of the foregoing offenses.

54 § 4. Paragraphs (t) and (u) of subdivision 4 of section 510.10 of the
55 criminal procedure law, paragraph (t) as amended and paragraph (u) as

1 added by section 2 of subpart B of part UU of chapter 56 of the laws of
2 2022, are amended and a new paragraph (v) is added to read as follows:

3 (t) any felony or class A misdemeanor involving harm to an identifi-
4 able person or property, or any charge of criminal possession of a
5 firearm as defined in section 265.01-b of the penal law, where such
6 charge arose from conduct occurring while the defendant was released on
7 his or her own recognizance, released under conditions, or had yet to be
8 arraigned after the issuance of a desk appearance ticket for a separate
9 felony or class A misdemeanor involving harm to an identifiable person
10 or property, or any charge of criminal possession of a firearm as
11 defined in section 265.01-b of the penal law, provided, however, that
12 the prosecutor must show reasonable cause to believe that the defendant
13 committed the instant crime and any underlying crime. For the purposes
14 of this subparagraph, any of the underlying crimes need not be a quali-
15 fying offense as defined in this subdivision. For the purposes of this
16 paragraph, "harm to an identifiable person or property" shall include
17 but not be limited to theft of or damage to property. However, based
18 upon a review of the facts alleged in the accusatory instrument, if the
19 court determines that such theft is negligible and does not appear to be
20 in furtherance of other criminal activity, the principal shall be
21 released on his or her own recognizance or under appropriate non-mone-
22 tary conditions; [~~or~~]

23 (u) criminal possession of a weapon in the third degree as defined in
24 subdivision three of section 265.02 of the penal law or criminal sale of
25 a firearm to a minor as defined in section 265.16 of the penal law[~~;~~];
26 or

27 (v) aggravated disorderly conduct as defined in section 240.20-a of
28 the penal law.

29 § 5. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of
30 section 530.20 of the criminal procedure law, subparagraph (xx) as
31 amended and subparagraph (xxi) as added by section 4 of subpart C of
32 part UU of chapter 56 of the laws of 2022, are amended and a new subpar-
33 agraph (xxii) is added to read as follows:

34 (xx) any felony or class A misdemeanor involving harm to an identifi-
35 able person or property, or any charge of criminal possession of a
36 firearm as defined in section 265.01-b of the penal law where such
37 charge arose from conduct occurring while the defendant was released on
38 his or her own recognizance, released under conditions, or had yet to be
39 arraigned after the issuance of a desk appearance ticket for a separate
40 felony or class A misdemeanor involving harm to an identifiable person
41 or property, provided, however, that the prosecutor must show reasonable
42 cause to believe that the defendant committed the instant crime and any
43 underlying crime. For the purposes of this subparagraph, any of the
44 underlying crimes need not be a qualifying offense as defined in this
45 subdivision. For the purposes of this paragraph, "harm to an identifi-
46 able person or property" shall include but not be limited to theft of or
47 damage to property. However, based upon a review of the facts alleged in
48 the accusatory instrument, if the court determines that such theft is
49 negligible and does not appear to be in furtherance of other criminal
50 activity, the principal shall be released on his or her own recognizance
51 or under appropriate non-monetary conditions; [~~or~~]

52 (xxi) criminal possession of a weapon in the third degree as defined
53 in subdivision three of section 265.02 of the penal law or criminal sale
54 of a firearm to a minor as defined in section 265.16 of the penal
55 law[~~;~~]; or

1 (xxii) aggravated disorderly conduct as defined in section 240.20-a of
2 the penal law.

3 § 6. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
4 criminal procedure law, paragraph (t) as amended and paragraph (u) as
5 added by section 4 of subpart B of part UU of chapter 56 of the laws of
6 2022, are amended and a new paragraph (v) is added to read as follows:

7 (t) any felony or class A misdemeanor involving harm to an identifi-
8 able person or property, or any charge of criminal possession of a
9 firearm as defined in section 265.01-b of the penal law, where such
10 charge arose from conduct occurring while the defendant was released on
11 his or her own recognizance, released under conditions, or had yet to be
12 arraigned after the issuance of a desk appearance ticket for a separate
13 felony or class A misdemeanor involving harm to an identifiable person
14 or property, or any charge of criminal possession of a firearm as
15 defined in section 265.01-b of the penal law, provided, however, that
16 the prosecutor must show reasonable cause to believe that the defendant
17 committed the instant crime and any underlying crime. For the purposes
18 of this subparagraph, any of the underlying crimes need not be a quali-
19 fying offense as defined in this subdivision. For the purposes of this
20 paragraph, "harm to an identifiable person or property" shall include
21 but not be limited to theft of or damage to property. However, based
22 upon a review of the facts alleged in the accusatory instrument, if the
23 court determines that such theft is negligible and does not appear to be
24 in furtherance of other criminal activity, the principal shall be
25 released on his or her own recognizance or under appropriate non-mone-
26 tary conditions; [~~ex~~]

27 (u) criminal possession of a weapon in the third degree as defined in
28 subdivision three of section 265.02 of the penal law or criminal sale of
29 a firearm to a minor as defined in section 265.16 of the penal law[~~+~~];
30 or

31 (v) aggravated disorderly conduct as defined in section 240.20-a of
32 the penal law.

33 § 7. This act shall take effect immediately; provided, however, that
34 section three of this act shall take effect on the same date and in the
35 same manner as section 66 of chapter 777 of the laws of 2023, takes
36 effect.