STATE OF NEW YORK

9194

IN SENATE

May 3, 2024

Introduced by Sen. RHOADS -- 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 the crimes of deceptive wearing of a mask and aggravated deceptive wearing of a mask

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

Section 1. The penal law is amended by adding two new sections 190.90 and 190.91 to read as follows:

§ 190.90 Deceptive wearing of a mask.

A person is guilty of deceptive wearing of a mask when, such person being masked or in any manner disguised by unusual or unnatural attire or facial alteration, loiters, remains or congregates in a public place with other persons so masked or disguised while engaged in a protest, rally or other public assembly, or knowingly permits or aids persons so masked or disguised to congregate in a public place; except that such conduct is not unlawful when it is worn for religious observance or customs or when it occurs in connection with a masquerade party or like entertainment if, when such entertainment is held in a city which has promulgated regulations in connection with such affairs, permission is first obtained from the police or other appropriate authorities.

Deceptive wearing of a mask is a class B misdemeanor.

§ 190.91 Aggravated deceptive wearing of a mask.

A person is guilty of aggravated deceptive wearing of a mask when, such person being masked or in any manner disguised by unusual or unnatural attire or facial alteration, loiters, remains or congregates in a public place with other persons so masked or disguised while engaged in the conduct of deceptive wearing of a mask and cause injury to a person or damage to property or theft of property belonging to another person, or knowingly permits or aids persons so masked or disguised to congregate in a public place; except that such conduct is not unlawful when it is worn for religious observance or customs or when it occurs in connection with a masquerade party or like entertainment if, when such entertainment is held in a city which has promulgated regulations in

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

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connection with such affairs, permission is first obtained from the police or other appropriate authorities.

Aggravated deceptive wearing of a mask is a class A misdemeanor.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.