

STATE OF NEW YORK

5091

2023-2024 Regular Sessions

IN ASSEMBLY

March 2, 2023

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to including community centers with a religious affiliation in the definition of public place for purposes of offenses against public order and including falsely reporting an incident and placing a false bomb or hazardous substance in the definition of specified offense for the purpose of hate crimes

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

1 Section 1. Subdivision 1 of section 240.00 of the penal law, as
2 amended by chapter 167 of the laws of 2017, is amended to read as
3 follows:

4 1. "Public place" means a place to which the public or a substantial
5 group of persons has access, and includes, but is not limited to, high-
6 ways, transportation facilities, schools, places of amusement, parks,
7 playgrounds, community centers with a religious affiliation, and hall-
8 ways, lobbies and other portions of apartment houses and hotels not
9 constituting rooms or apartments designed for actual residence.

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

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

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1 section 125.15 (manslaughter in the second degree); subdivision one, two
2 or four of section 125.20 (manslaughter in the first degree); section
3 125.25 (murder in the second degree); section 120.45 (stalking in the
4 fourth degree); section 120.50 (stalking in the third degree); section
5 120.55 (stalking in the second degree); section 120.60 (stalking in the
6 first degree); subdivision one of section 130.35 (rape in the first
7 degree); subdivision one of section 130.50 (criminal sexual act in the
8 first degree); subdivision one of section 130.65 (sexual abuse in the
9 first degree); paragraph (a) of subdivision one of section 130.67
10 (aggravated sexual abuse in the second degree); paragraph (a) of subdi-
11 vision one of section 130.70 (aggravated sexual abuse in the first
12 degree); section 135.05 (unlawful imprisonment in the second degree);
13 section 135.10 (unlawful imprisonment in the first degree); section
14 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in
15 the first degree); section 135.60 (coercion in the third degree);
16 section 135.61 (coercion in the second degree); section 135.65 (coercion
17 in the first degree); section 140.10 (criminal trespass in the third
18 degree); section 140.15 (criminal trespass in the second degree);
19 section 140.17 (criminal trespass in the first degree); section 140.20
20 (burglary in the third degree); section 140.25 (burglary in the second
21 degree); section 140.30 (burglary in the first degree); section 145.00
22 (criminal mischief in the fourth degree); section 145.05 (criminal
23 mischief in the third degree); section 145.10 (criminal mischief in the
24 second degree); section 145.12 (criminal mischief in the first degree);
25 section 150.05 (arson in the fourth degree); section 150.10 (arson in
26 the third degree); section 150.15 (arson in the second degree); section
27 150.20 (arson in the first degree); section 155.25 (petit larceny);
28 section 155.30 (grand larceny in the fourth degree); section 155.35
29 (grand larceny in the third degree); section 155.40 (grand larceny in
30 the second degree); section 155.42 (grand larceny in the first degree);
31 section 160.05 (robbery in the third degree); section 160.10 (robbery in
32 the second degree); section 160.15 (robbery in the first degree);
33 section 240.25 (harassment in the first degree); subdivision one, two or
34 four of section 240.30 (aggravated harassment in the second degree);
35 section 240.55 (falsely reporting an incident in the second degree);
36 section 240.60 (falsely reporting an incident in the first degree);
37 section 240.62 (placing a false bomb or hazardous substance in the first
38 degree); section 490.10 (soliciting or providing support for an act of
39 terrorism in the second degree); section 490.15 (soliciting or providing
40 support for an act of terrorism in the first degree); section 490.20
41 (making a terroristic threat); section 490.25 (crime of terrorism);
42 section 490.30 (hindering prosecution of terrorism in the second
43 degree); section 490.35 (hindering prosecution of terrorism in the first
44 degree); section 490.37 (criminal possession of a chemical weapon or
45 biological weapon in the third degree); section 490.40 (criminal
46 possession of a chemical weapon or biological weapon in the second
47 degree); section 490.45 (criminal possession of a chemical weapon or
48 biological weapon in the first degree); section 490.47 (criminal use of
49 a chemical weapon or biological weapon in the third degree); section
50 490.50 (criminal use of a chemical weapon or biological weapon in the
51 second degree); section 490.55 (criminal use of a chemical weapon or
52 biological weapon in the first degree); or any attempt or conspiracy to
53 commit any of the foregoing offenses.

54 § 3. This act shall take effect immediately.