STATE OF NEW YORK

6086

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

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

AN ACT to amend the penal law, in relation to increasing the classification of misdemeanor hate crime offenses to a felony

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

Section 1. 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 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 higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable. **When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or an attempt or conspiracy to commit a specified offense that is a misdemeanor, the hate crime shall be deemed to be a class E felony.**

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

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

LBD10370-02-3