

# STATE OF NEW YORK

6383

2023-2024 Regular Sessions

## IN ASSEMBLY

April 6, 2023

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

AN ACT to amend the penal law, in relation to establishing the crime of  
making a threat of mass violence

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

1 Section 1. The penal law is amended by adding two new sections 240.80  
2 and 240.81 to read as follows:

3 § 240.80 Making a threat of mass violence in the second degree.

4 A person is guilty of making a threat of mass violence in the second  
5 degree when:

6 1. such person, being under the age of eighteen makes a threat of mass  
7 violence toward a school, college or university, place of worship, mass  
8 gathering of twenty-five people or more, or a business and such threat  
9 is made in writing, verbally communicated or expressed through any other  
10 means of communication; or

11 2. such person, being eighteen years of age or older, but under the  
12 age of twenty-one, makes a threat of mass violence against a school  
13 which they currently attend and such threat is made in writing, verbally  
14 communicated or expressed through any other means of communication.

15 Making a threat of mass violence in the second degree shall carry a  
16 fine of thirty-five thousand dollars and a mandatory sentence of ten  
17 days in a detention facility or, in the case of a person over eighteen  
18 years of age, one hundred days in a specialized secure detention facili-  
19 ty for older youth certified by the office of children and family  
20 services in conjunction with the state commission of correction.

21 § 240.81 Making a threat of mass violence in the first degree.

22 A person is guilty of making a threat of mass violence in the first  
23 degree when such person makes a threat toward a school, college or  
24 university, place of worship, mass gathering of twenty-five people or

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

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1 more, or a business and such threat is made in writing, verbally or  
2 expressed through any other means of communication.

3 Making a threat of mass violence in the first degree is a class D  
4 felony and shall carry a fine of thirty-five thousand dollars and a  
5 sentence of no less than three years.

6 § 2. Paragraph a of subdivision 1 of section 80.00 of the penal law,  
7 as amended by section 27 of subpart A of part H of chapter 55 of the  
8 laws of 2014, is amended to read as follows:

9 a. [~~five~~] thirty-five thousand dollars; or

10 § 3. This act shall take effect November 1, 2023.