

# STATE OF NEW YORK

9058

## IN ASSEMBLY

February 5, 2024

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 hate crimes

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

1 Section 1. Subdivision 3 of section 485.05 of the penal law, as  
2 amended by section 3 of part R of chapter 55 of the laws of 2020, is  
3 amended to read as follows:

4 3. A "specified offense" is an offense defined by any of the following  
5 provisions of this chapter: section 120.00 (assault in the third  
6 degree); section 120.05 (assault in the second degree); section 120.10  
7 (assault in the first degree); section 120.12 (aggravated assault upon a  
8 person less than eleven years old); section 120.13 (menacing in the  
9 first degree); section 120.14 (menacing in the second degree); section  
10 120.15 (menacing in the third degree); section 120.20 (reckless endan-  
11 germent in the second degree); section 120.25 (reckless endangerment in  
12 the first degree); section 121.12 (strangulation in the second degree);  
13 section 121.13 (strangulation in the first degree); subdivision one of  
14 section 125.15 (manslaughter in the second degree); subdivision one, two  
15 or four of section 125.20 (manslaughter in the first degree); section  
16 125.25 (murder in the second degree); section 120.45 (stalking in the  
17 fourth degree); section 120.50 (stalking in the third degree); section  
18 120.55 (stalking in the second degree); section 120.60 (stalking in the  
19 first degree); subdivision one of section 130.35 (rape in the first  
20 degree); subdivision one of section 130.50 (criminal sexual act in the  
21 first degree); subdivision one of section 130.65 (sexual abuse in the  
22 first degree); paragraph (a) of subdivision one of section 130.67  
23 (aggravated sexual abuse in the second degree); paragraph (a) of subdi-  
24 vision one of section 130.70 (aggravated sexual abuse in the first  
25 degree); section 135.05 (unlawful imprisonment in the second degree);  
26 section 135.10 (unlawful imprisonment in the first degree); section  
27 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in  
28 the first degree); section 135.60 (coercion in the third degree);  
29 section 135.61 (coercion in the second degree); section 135.65 (coercion

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

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1 in the first degree); section 140.10 (criminal trespass in the third  
2 degree); section 140.15 (criminal trespass in the second degree);  
3 section 140.17 (criminal trespass in the first degree); section 140.20  
4 (burglary in the third degree); section 140.25 (burglary in the second  
5 degree); section 140.30 (burglary in the first degree); section 145.00  
6 (criminal mischief in the fourth degree); section 145.05 (criminal  
7 mischief in the third degree); section 145.10 (criminal mischief in the  
8 second degree); section 145.12 (criminal mischief in the first degree);  
9 section 145.60 (making graffiti); section 150.05 (arson in the fourth  
10 degree); section 150.10 (arson in the third degree); section 150.15  
11 (arson in the second degree); section 150.20 (arson in the first  
12 degree); section 155.25 (petit larceny); section 155.30 (grand larceny  
13 in the fourth degree); section 155.35 (grand larceny in the third  
14 degree); section 155.40 (grand larceny in the second degree); section  
15 155.42 (grand larceny in the first degree); section 160.05 (robbery in  
16 the third degree); section 160.10 (robbery in the second degree);  
17 section 160.15 (robbery in the first degree); section 240.25 (harassment  
18 in the first degree); subdivision one[~~7~~ or two [~~or four~~] of section  
19 240.30 (aggravated harassment in the second degree); section 490.10  
20 (soliciting or providing support for an act of terrorism in the second  
21 degree); section 490.15 (soliciting or providing support for an act of  
22 terrorism in the first degree); section 490.20 (making a terroristic  
23 threat); section 490.25 (crime of terrorism); section 490.30 (hindering  
24 prosecution of terrorism in the second degree); section 490.35 (hinder-  
25 ing prosecution of terrorism in the first degree); section 490.37 (crim-  
26 inal possession of a chemical weapon or biological weapon in the third  
27 degree); section 490.40 (criminal possession of a chemical weapon or  
28 biological weapon in the second degree); section 490.45 (criminal  
29 possession of a chemical weapon or biological weapon in the first  
30 degree); section 490.47 (criminal use of a chemical weapon or biological  
31 weapon in the third degree); section 490.50 (criminal use of a chemical  
32 weapon or biological weapon in the second degree); section 490.55 (crim-  
33 inal use of a chemical weapon or biological weapon in the first degree);  
34 or any attempt or conspiracy to commit any of the foregoing offenses.  
35 § 2. This act shall take effect on the first of November next succeed-  
36 ing the date on which it shall have become a law.