

STATE OF NEW YORK

9297

IN SENATE

May 10, 2024

Introduced by Sen. TEDISCO -- 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 including aggravated cemetery desecration in the second degree and aggravated cemetery desecration in the first degree as specified offenses for purposes of 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 1 of part C of chapter 55 of the laws of 2024, 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 120.06
7 (gang assault in the second degree); section 120.07 (gang assault in the
8 first degree); section 120.10 (assault in the first degree); section
9 120.12 (aggravated assault upon a person less than eleven years old);
10 section 120.13 (menacing in the first degree); section 120.14 (menacing
11 in the second degree); section 120.15 (menacing in the third degree);
12 section 120.20 (reckless endangerment in the second degree); section
13 120.25 (reckless endangerment in the first degree); section 121.11
14 (criminal obstruction of breathing or blood circulation); section 121.12
15 (strangulation in the second degree); section 121.13 (strangulation in
16 the first degree); subdivision one of section 125.15 (manslaughter in
17 the second degree); subdivision one, two or four of section 125.20
18 (manslaughter in the first degree); section 125.25 (murder in the second
19 degree); section 125.26 (aggravated murder); section 125.27 (murder in
20 the first degree); section 120.45 (stalking in the fourth degree);
21 section 120.50 (stalking in the third degree); section 120.55 (stalking
22 in the second degree); section 120.60 (stalking in the first degree);
23 section 130.20 (sexual misconduct); section 130.25 (rape in the third
24 degree); section 130.30 (rape in the second degree); section 130.35
25 (rape in the first degree); section 130.40 (criminal sexual act in the
26 third degree); section 130.45 (criminal sexual act in the second

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

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1 degree); section 130.50 (criminal sexual act in the first degree);
2 section 130.52 (forcible touching); section 130.53 (persistent sexual
3 abuse); section 130.55 (sexual abuse in the third degree); section
4 130.60 (sexual abuse in the second degree); section 130.65 (sexual abuse
5 in the first degree); section 130.65-a (aggravated sexual abuse in the
6 fourth degree); section 130.66 (aggravated sexual abuse in the third
7 degree); section 130.67 (aggravated sexual abuse in the second degree);
8 section 130.70 (aggravated sexual abuse in the first degree); section
9 135.05 (unlawful imprisonment in the second degree); section 135.10
10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping
11 in the second degree); section 135.25 (kidnapping in the first degree);
12 section 135.60 (coercion in the third degree); section 135.61 (coercion
13 in the second degree); section 135.65 (coercion in the first degree);
14 section 140.10 (criminal trespass in the third degree); section 140.15
15 (criminal trespass in the second degree); section 140.17 (criminal tres-
16 pass in the first degree); section 140.20 (burglary in the third
17 degree); section 140.25 (burglary in the second degree); section 140.30
18 (burglary in the first degree); section 145.00 (criminal mischief in the
19 fourth degree); section 145.05 (criminal mischief in the third degree);
20 section 145.10 (criminal mischief in the second degree); section 145.12
21 (criminal mischief in the first degree); section 145.26 (aggravated
22 cemetery desecration in the second degree); section 145.27 (aggravated
23 cemetery desecration in the first degree); section 150.05 (arson in the
24 fourth degree); section 150.10 (arson in the third degree); section
25 150.15 (arson in the second degree); section 150.20 (arson in the first
26 degree); section 155.25 (petit larceny); section 155.30 (grand larceny
27 in the fourth degree); section 155.35 (grand larceny in the third
28 degree); section 155.40 (grand larceny in the second degree); section
29 155.42 (grand larceny in the first degree); section 160.05 (robbery in
30 the third degree); section 160.10 (robbery in the second degree);
31 section 160.15 (robbery in the first degree); section 230.34 (sex traf-
32 ficking); section 230.34-a (sex trafficking of a child); section 240.25
33 (harassment in the first degree); subdivision one, two or four of
34 section 240.30 (aggravated harassment in the second degree); section
35 240.50 (falsely reporting an incident in the third degree); section
36 240.55 (falsely reporting an incident in the second degree); section
37 240.60 (falsely reporting an incident in the first degree); subdivision
38 one of section 265.03 (criminal possession of a weapon in the second
39 degree); subdivision one of section 265.04 (criminal possession of a
40 weapon in the first degree); section 490.10 (soliciting or providing
41 support for an act of terrorism in the second degree); section 490.15
42 (soliciting or providing support for an act of terrorism in the first
43 degree); section 490.20 (making a terroristic threat); section 490.25
44 (crime of terrorism); section 490.30 (hindering prosecution of terrorism
45 in the second degree); section 490.35 (hindering prosecution of terror-
46 ism in the first degree); section 490.37 (criminal possession of a chem-
47 ical weapon or biological weapon in the third degree); section 490.40
48 (criminal possession of a chemical weapon or biological weapon in the
49 second degree); section 490.45 (criminal possession of a chemical weapon
50 or biological weapon in the first degree); section 490.47 (criminal use
51 of a chemical weapon or biological weapon in the third degree); section
52 490.50 (criminal use of a chemical weapon or biological weapon in the
53 second degree); section 490.55 (criminal use of a chemical weapon or
54 biological weapon in the first degree); or any attempt or conspiracy to
55 commit any of the foregoing offenses.

1 § 1-a. Subdivision 3 of section 485.05 of the penal law, as amended by
2 section 2 of part C of chapter 55 the laws of 2024, is amended to read
3 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 120.06
7 (gang assault in the second degree); section 120.07 (gang assault in the
8 first degree); section 120.10 (assault in the first degree); section
9 120.12 (aggravated assault upon a person less than eleven years old);
10 section 120.13 (menacing in the first degree); section 120.14 (menacing
11 in the second degree); section 120.15 (menacing in the third degree);
12 section 120.20 (reckless endangerment in the second degree); section
13 120.25 (reckless endangerment in the first degree); section 121.11
14 (criminal obstruction of breathing or blood circulation); section 121.12
15 (strangulation in the second degree); section 121.13 (strangulation in
16 the first degree); subdivision one of section 125.15 (manslaughter in
17 the second degree); subdivision one, two or four of section 125.20
18 (manslaughter in the first degree); section 125.25 (murder in the second
19 degree); section 125.26 (aggravated murder); section 125.27 (murder in
20 the first degree); section 120.45 (stalking in the fourth degree);
21 section 120.50 (stalking in the third degree); section 120.55 (stalking
22 in the second degree); section 120.60 (stalking in the first degree);
23 section 130.20 (sexual misconduct); section 130.25 (rape in the third
24 degree); section 130.30 (rape in the second degree); section 130.35
25 (rape in the first degree); former section 130.40; former section
26 130.45; former section 130.50; section 130.52 (forcible touching);
27 section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse
28 in the third degree); section 130.60 (sexual abuse in the second
29 degree); section 130.65 (sexual abuse in the first degree); section
30 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66
31 (aggravated sexual abuse in the third degree); section 130.67 (aggra-
32 vated sexual abuse in the second degree); section 130.70 (aggravated
33 sexual abuse in the first degree); section 135.05 (unlawful imprisonment
34 in the second degree); section 135.10 (unlawful imprisonment in the
35 first degree); section 135.20 (kidnapping in the second degree); section
36 135.25 (kidnapping in the first degree); section 135.60 (coercion in the
37 third degree); section 135.61 (coercion in the second degree); section
38 135.65 (coercion in the first degree); section 140.10 (criminal trespass
39 in the third degree); section 140.15 (criminal trespass in the second
40 degree); section 140.17 (criminal trespass in the first degree); section
41 140.20 (burglary in the third degree); section 140.25 (burglary in the
42 second degree); section 140.30 (burglary in the first degree); section
43 145.00 (criminal mischief in the fourth degree); section 145.05 (crimi-
44 nal mischief in the third degree); section 145.10 (criminal mischief in
45 the second degree); section 145.12 (criminal mischief in the first
46 degree); section 145.26 (aggravated cemetery desecration in the second
47 degree); section 145.27 (aggravated cemetery desecration in the first
48 degree); section 150.05 (arson in the fourth degree); section 150.10
49 (arson in the third degree); section 150.15 (arson in the second
50 degree); section 150.20 (arson in the first degree); section 155.25
51 (petit larceny); section 155.30 (grand larceny in the fourth degree);
52 section 155.35 (grand larceny in the third degree); section 155.40
53 (grand larceny in the second degree); section 155.42 (grand larceny in
54 the first degree); section 160.05 (robbery in the third degree); section
55 160.10 (robbery in the second degree); section 160.15 (robbery in the
56 first degree); section 230.34 (sex trafficking); section 230.34-a (sex

1 trafficking of a child); section 240.25 (harassment in the first
2 degree); subdivision one, two or four of section 240.30 (aggravated
3 harassment in the second degree); section 240.50 (falsely reporting an
4 incident in the third degree); section 240.55 (falsely reporting an
5 incident in the second degree); section 240.60 (falsely reporting an
6 incident in the first degree); subdivision one of section 265.03 (crimi-
7 nal possession of a weapon in the second degree); subdivision one of
8 section 265.04 (criminal possession of a weapon in the first degree);
9 section 490.10 (soliciting or providing support for an act of terrorism
10 in the second degree); section 490.15 (soliciting or providing support
11 for an act of terrorism in the first degree); section 490.20 (making a
12 terroristic threat); section 490.25 (crime of terrorism); section 490.30
13 (hindering prosecution of terrorism in the second degree); section
14 490.35 (hindering prosecution of terrorism in the first degree); section
15 490.37 (criminal possession of a chemical weapon or biological weapon in
16 the third degree); section 490.40 (criminal possession of a chemical
17 weapon or biological weapon in the second degree); section 490.45 (crim-
18 inal possession of a chemical weapon or biological weapon in the first
19 degree); section 490.47 (criminal use of a chemical weapon or biological
20 weapon in the third degree); section 490.50 (criminal use of a chemical
21 weapon or biological weapon in the second degree); section 490.55 (crim-
22 inal use of a chemical weapon or biological weapon in the first degree);
23 or any attempt or conspiracy to commit any of the foregoing offenses.

24 § 2. This act shall take effect immediately provided, however, if
25 section 1 of part C of chapter 55 of the laws of 2024 shall not have
26 taken effect on or before such date then section one of this act shall
27 take effect on the same date and in the same manner as such section,
28 takes effect; provided, further, that provisions of section one-a of
29 this act shall take effect on the same date and in the same manner as
30 section 2 of part C of chapter 55 of the laws of 2024, takes effect.