

# STATE OF NEW YORK

9891

## IN SENATE

August 19, 2024

Introduced by Sens. MURRAY, CANZONERI-FITZPATRICK, OBERACKER, RHOADS,  
TEDISCO -- read twice and ordered printed, and when printed to be  
committed to the Committee on Rules

AN ACT to amend the penal law, in relation to establishing the crime of  
aggravated concealment of identity

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 a new title Y-3 to read  
2 as follows:

### TITLE Y-3

#### CRIMINAL CONCEALMENT OF IDENTITY

#### ARTICLE 498

#### CRIMINAL CONCEALMENT OF IDENTITY

5 Section 498.00 Aggravated criminal concealment of identity.

6 498.05 Sentencing.

7 § 498.00 Aggravated criminal concealment of identity.

8 1. A person commits the crime of aggravated criminal concealment of  
9 identity when such person commits a specified offense while wearing a  
10 mask or face covering.

11 2. A "specified offense" is an offense defined by any of the following  
12 provisions of this chapter: section 120.00 (assault in the third  
13 degree); section 120.05 (assault in the second degree); section 120.06  
14 (gang assault in the second degree); section 120.07 (gang assault in the  
15 first degree); section 120.10 (assault in the first degree); section  
16 120.12 (aggravated assault upon a person less than eleven years old);  
17 section 120.13 (menacing in the first degree); section 120.14 (menacing  
18 in the second degree); section 120.15 (menacing in the third degree);  
19 section 120.20 (reckless endangerment in the second degree); section  
20 120.25 (reckless endangerment in the first degree); section 121.11  
21 (criminal obstruction of breathing or blood circulation); section 121.12  
22 (strangulation in the second degree); section 121.13 (strangulation in  
23 the first degree); subdivision one of section 125.15 (manslaughter in  
24 the second degree); subdivision one, two or four of section 125.20  
25 the second degree);  
26 subdivision one, two or four of section 125.20

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

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1 (manslaughter in the first degree); section 125.25 (murder in the second  
2 degree); section 125.26 (aggravated murder); section 125.27 (murder in  
3 the first degree); section 120.45 (stalking in the fourth degree);  
4 section 120.50 (stalking in the third degree); section 120.55 (stalking  
5 in the second degree); section 120.60 (stalking in the first degree);  
6 section 130.20 (sexual misconduct); section 130.25 (rape in the third  
7 degree); section 130.30 (rape in the second degree); section 130.35  
8 (rape in the first degree); former section 130.40; former section  
9 130.45; former section 130.50; section 130.52 (forcible touching);  
10 section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse  
11 in the third degree); section 130.60 (sexual abuse in the second  
12 degree); section 130.65 (sexual abuse in the first degree); section  
13 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66  
14 (aggravated sexual abuse in the third degree); section 130.67 (aggra-  
15 vated sexual abuse in the second degree); section 130.70 (aggravated  
16 sexual abuse in the first degree); section 135.05 (unlawful imprisonment  
17 in the second degree); section 135.10 (unlawful imprisonment in the  
18 first degree); section 135.20 (kidnapping in the second degree); section  
19 135.25 (kidnapping in the first degree); section 135.60 (coercion in the  
20 third degree); section 135.61 (coercion in the second degree); section  
21 135.65 (coercion in the first degree); section 140.10 (criminal trespass  
22 in the third degree); section 140.15 (criminal trespass in the second  
23 degree); section 140.17 (criminal trespass in the first degree); section  
24 140.20 (burglary in the third degree); section 140.25 (burglary in the  
25 second degree); section 140.30 (burglary in the first degree); section  
26 145.00 (criminal mischief in the fourth degree); section 145.05 (crimi-  
27 nal mischief in the third degree); section 145.10 (criminal mischief in  
28 the second degree); section 145.12 (criminal mischief in the first  
29 degree); section 150.05 (arson in the fourth degree); section 150.10  
30 (arson in the third degree); section 150.15 (arson in the second  
31 degree); section 150.20 (arson in the first degree); section 155.25  
32 (petit larceny); section 155.30 (grand larceny in the fourth degree);  
33 section 155.35 (grand larceny in the third degree); section 155.40  
34 (grand larceny in the second degree); section 155.42 (grand larceny in  
35 the first degree); section 160.05 (robbery in the third degree); section  
36 160.10 (robbery in the second degree); section 160.15 (robbery in the  
37 first degree); section 230.34 (sex trafficking); section 230.34-a (sex  
38 trafficking of a child); section 240.25 (harassment in the first  
39 degree); subdivision one, two or four of section 240.30 (aggravated  
40 harassment in the second degree); section 240.50 (falsely reporting an  
41 incident in the third degree); section 240.55 (falsely reporting an  
42 incident in the second degree); section 240.60 (falsely reporting an  
43 incident in the first degree); subdivision one of section 265.03 (crimi-  
44 nal possession of a weapon in the second degree); subdivision one of  
45 section 265.04 (criminal possession of a weapon in the first degree);  
46 section 490.10 (soliciting or providing support for an act of terrorism  
47 in the second degree); section 490.15 (soliciting or providing support  
48 for an act of terrorism in the first degree); section 490.20 (making a  
49 terroristic threat); section 490.25 (crime of terrorism); section 490.30  
50 (hindering prosecution of terrorism in the second degree); section  
51 490.35 (hindering prosecution of terrorism in the first degree); section  
52 490.37 (criminal possession of a chemical weapon or biological weapon in  
53 the third degree); section 490.40 (criminal possession of a chemical  
54 weapon or biological weapon in the second degree); section 490.45 (crim-  
55 inal possession of a chemical weapon or biological weapon in the first  
56 degree); section 490.47 (criminal use of a chemical weapon or biological

1 weapon in the third degree); section 490.50 (criminal use of a chemical  
2 weapon or biological weapon in the second degree); section 490.55 (crim-  
3 inal use of a chemical weapon or biological weapon in the first degree);  
4 or any attempt or conspiracy to commit any of the foregoing offenses.

5 3. For the purposes of this section, the term "mask or face covering"  
6 shall mean any face covering, face mask, face shield, or other material  
7 worn whether standalone or part of another item of clothing or equipment  
8 that conceals a person's identity, either partially or wholly, whereby  
9 the face or voice is disguised by being masked or in any manner is  
10 disguised by unusual or unnatural attire or facial alteration.

11 § 498.05 Sentencing.

12 1. When a person is convicted of the crime of aggravated criminal  
13 concealment of identity pursuant to this article, and the specified  
14 offense is a violent felony offense, as defined in section 70.02 of this  
15 chapter, the crime of aggravated criminal concealment of identity shall  
16 be deemed a violent felony offense.

17 2. When a person is convicted of the crime of aggravated criminal  
18 concealment of identity pursuant to this article and the specified  
19 offense is a misdemeanor or a class C, D or E felony, the crime shall be  
20 deemed to be one category higher than the specified offense the defend-  
21 ant committed, or one category higher than the offense level applicable  
22 to the defendant's conviction for an attempt or conspiracy to commit a  
23 specified offense, whichever is applicable.

24 3. Notwithstanding any other provision of law, when a person is  
25 convicted of the crime of aggravated criminal concealment of identity  
26 pursuant to this article and the specified offense is a class B felony:

27 (a) the maximum term of the indeterminate sentence must be at least  
28 six years if the defendant is sentenced pursuant to section 70.00 of  
29 this chapter;

30 (b) the term of the determinate sentence must be at least eight years  
31 if the defendant is sentenced pursuant to section 70.02 of this chapter;

32 (c) the term of the determinate sentence must be at least twelve years  
33 if the defendant is sentenced pursuant to section 70.04 of this chapter;

34 (d) the maximum term of the indeterminate sentence must be at least  
35 four years if the defendant is sentenced pursuant to section 70.05 of  
36 this chapter; and

37 (e) the maximum term of the indeterminate sentence or the term of the  
38 determinate sentence must be at least ten years if the defendant is  
39 sentenced pursuant to section 70.06 of this chapter.

40 4. Notwithstanding any other provision of law, when a person is  
41 convicted of the crime of aggravated criminal concealment of identity  
42 pursuant to this article and the specified offense is a class A-1 felo-  
43 ny, the minimum period of the indeterminate sentence shall be not less  
44 than twenty years.

45 § 2. This act shall take effect immediately.