

STATE OF NEW YORK

1159

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by M. of A. RA, BRABENEC, DURSO, GANDOLFO, PALMESANO, SLATER
-- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to designating offenses against law enforcement officers as hate crimes and makes graffiti a hate crime

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

1 Section 1. Paragraphs (a) and (b) of subdivision 1 and subdivision 2
2 of section 485.05 of the penal law, as amended by chapter 8 of the laws
3 of 2019, are amended to read as follows:

4 (a) intentionally selects the person against whom the offense is
5 committed or intended to be committed in whole or in substantial part
6 because of a belief or perception regarding (i) the race, color,
7 national origin, ancestry, gender, gender identity or expression, reli-
8 gion, religious practice, age, disability or sexual orientation of a
9 person or (ii) because of actual or perceived employment as a law
10 enforcement officer, regardless of whether the belief or perception is
11 correct, or

12 (b) intentionally commits the act or acts constituting the offense in
13 whole or in substantial part because of a belief or perception regarding
14 (i) the race, color, national origin, ancestry, gender, gender identity
15 or expression, religion, religious practice, age, disability or sexual
16 orientation of a person or (ii) because of actual or perceived employ-
17 ment as a law enforcement officer, regardless of whether the belief or
18 perception is correct.

19 2. Proof of race, color, national origin, ancestry, gender, gender
20 identity or expression, religion, religious practice, age, disability or
21 sexual orientation or employment as a law enforcement officer of the
22 defendant, the victim or of both the defendant and the victim does not,
23 by itself, constitute legally sufficient evidence satisfying the

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

LBD00683-01-5

1 people's burden under paragraph (a) or (b) of subdivision one of this
2 section.

3 § 2. Subdivision 3 of section 485.05 of the penal law, as amended by
4 section 2 of part C of chapter 55 of the laws of 2024, is amended to
5 read as follows:

6 3. A "specified offense" is an offense defined by any of the following
7 provisions of this chapter: section 120.00 (assault in the third
8 degree); section 120.05 (assault in the second degree); section 120.06
9 (gang assault in the second degree); section 120.07 (gang assault in the
10 first degree); section 120.10 (assault in the first degree); section
11 120.12 (aggravated assault upon a person less than eleven years old);
12 section 120.13 (menacing in the first degree); section 120.14 (menacing
13 in the second degree); section 120.15 (menacing in the third degree);
14 section 120.20 (reckless endangerment in the second degree); section
15 120.25 (reckless endangerment in the first degree); section 121.11
16 (criminal obstruction of breathing or blood circulation); section 121.12
17 (strangulation in the second degree); section 121.13 (strangulation in
18 the first degree); subdivision one of section 125.15 (manslaughter in
19 the second degree); subdivision one, two or four of section 125.20
20 (manslaughter in the first degree); section 125.25 (murder in the second
21 degree); section 125.26 (aggravated murder); section 125.27 (murder in
22 the first degree); section 120.45 (stalking in the fourth degree);
23 section 120.50 (stalking in the third degree); section 120.55 (stalking
24 in the second degree); section 120.60 (stalking in the first degree);
25 section 130.20 (sexual misconduct); section 130.25 (rape in the third
26 degree); section 130.30 (rape in the second degree); section 130.35
27 (rape in the first degree); former section 130.40; former section
28 130.45; former section 130.50; section 130.52 (forcible touching);
29 section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse
30 in the third degree); section 130.60 (sexual abuse in the second
31 degree); section 130.65 (sexual abuse in the first degree); section
32 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66
33 (aggravated sexual abuse in the third degree); section 130.67 (aggra-
34 vated sexual abuse in the second degree); section 130.70 (aggravated
35 sexual abuse in the first degree); section 135.05 (unlawful imprisonment
36 in the second degree); section 135.10 (unlawful imprisonment in the
37 first degree); section 135.20 (kidnapping in the second degree); section
38 135.25 (kidnapping in the first degree); section 135.60 (coercion in the
39 third degree); section 135.61 (coercion in the second degree); section
40 135.65 (coercion in the first degree); section 140.10 (criminal trespass
41 in the third degree); section 140.15 (criminal trespass in the second
42 degree); section 140.17 (criminal trespass in the first degree); section
43 140.20 (burglary in the third degree); section 140.25 (burglary in the
44 second degree); section 140.30 (burglary in the first degree); section
45 145.00 (criminal mischief in the fourth degree); section 145.05 (crimi-
46 nal mischief in the third degree); section 145.10 (criminal mischief in
47 the second degree); section 145.12 (criminal mischief in the first
48 degree); section 145.60 (making graffiti); section 150.05 (arson in the
49 fourth degree); section 150.10 (arson in the third degree); section
50 150.15 (arson in the second degree); section 150.20 (arson in the first
51 degree); section 155.25 (petit larceny); section 155.30 (grand larceny
52 in the fourth degree); section 155.35 (grand larceny in the third
53 degree); section 155.40 (grand larceny in the second degree); section
54 155.42 (grand larceny in the first degree); section 160.05 (robbery in
55 the third degree); section 160.10 (robbery in the second degree);
56 section 160.15 (robbery in the first degree); section 230.34 (sex traf-

1 icking); section 230.34-a (sex trafficking of a child); section 240.25
2 (harassment in the first degree); subdivision one, two or four of
3 section 240.30 (aggravated harassment in the second degree); section
4 240.50 (falsely reporting an incident in the third degree); section
5 240.55 (falsely reporting an incident in the second degree); section
6 240.60 (falsely reporting an incident in the first degree); subdivision
7 one of section 265.03 (criminal possession of a weapon in the second
8 degree); subdivision one of section 265.04 (criminal possession of a
9 weapon in the first degree); section 490.10 (soliciting or providing
10 support for an act of terrorism in the second degree); section 490.15
11 (soliciting or providing support for an act of terrorism in the first
12 degree); section 490.20 (making a terroristic threat); section 490.25
13 (crime of terrorism); section 490.30 (hindering prosecution of terrorism
14 in the second degree); section 490.35 (hindering prosecution of terror-
15 ism in the first degree); section 490.37 (criminal possession of a chem-
16 ical weapon or biological weapon in the third degree); section 490.40
17 (criminal possession of a chemical weapon or biological weapon in the
18 second degree); section 490.45 (criminal possession of a chemical weapon
19 or biological weapon in the first degree); section 490.47 (criminal use
20 of a chemical weapon or biological weapon in the third degree); section
21 490.50 (criminal use of a chemical weapon or biological weapon in the
22 second degree); section 490.55 (criminal use of a chemical weapon or
23 biological weapon in the first degree); or any attempt or conspiracy to
24 commit any of the foregoing offenses.

25 § 3. This act shall take effect immediately.