

# STATE OF NEW YORK

3826

2025-2026 Regular Sessions

## IN ASSEMBLY

January 30, 2025

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

AN ACT to amend the penal law, in relation to establishing the crimes of deceptive wearing of a mask and aggravated deceptive wearing of a mask

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

1 Section 1. The penal law is amended by adding two new sections 190.90  
2 and 190.91 to read as follows:

3 § 190.90 Deceptive wearing of a mask.

4 A person is guilty of deceptive wearing of a mask when, such person  
5 being masked or in any manner disguised by unusual or unnatural attire  
6 or facial alteration, loiters, remains or congregates in a public place  
7 with other persons so masked or disguised while engaged in a protest,  
8 rally or other public assembly, or knowingly permits or aids persons so  
9 masked or disguised to congregate in a public place; except that such  
10 conduct is not unlawful when it is worn for religious observance or  
11 customs or when it occurs in connection with a masquerade party or like  
12 entertainment if, when such entertainment is held in a city which has  
13 promulgated regulations in connection with such affairs, permission is  
14 first obtained from the police or other appropriate authorities.

15 Deceptive wearing of a mask is a class B misdemeanor.

16 § 190.91 Aggravated deceptive wearing of a mask.

17 A person is guilty of aggravated deceptive wearing of a mask when,  
18 such person being masked or in any manner disguised by unusual or unna-  
19 tural attire or facial alteration, loiters, remains or congregates in a  
20 public place with other persons so masked or disguised while engaged in  
21 the conduct of deceptive wearing of a mask and cause injury to a person  
22 or damage to property or theft of property belonging to another person,  
23 or knowingly permits or aids persons so masked or disguised to congre-  
24 gate in a public place; except that such conduct is not unlawful when it  
25 is worn for religious observance or customs or when it occurs in

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

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1 connection with a masquerade party or like entertainment if, when such  
2 entertainment is held in a city which has promulgated regulations in  
3 connection with such affairs, permission is first obtained from the  
4 police or other appropriate authorities.

5 Aggravated deceptive wearing of a mask is a class A misdemeanor.

6 § 2. This act shall take effect on the ninetieth day after it shall  
7 have become a law.