

STATE OF NEW YORK

1943

2025-2026 Regular Sessions

IN SENATE

January 14, 2025

Introduced by Sens. WEBER, ASHBY, BORRELLO, CANZONERI-FITZPATRICK, MARTINS, MATTERA, OBERACKER, O'MARA, PALUMBO, RHOADS, ROLISON -- 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 expanding the criteria for a hate crime

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

Section 1. Subdivision 1 of section 485.05 of the penal law, as amended by chapter 8 of the laws of 2019, is amended to read as follows:

1. A person commits a hate crime when [~~he or she~~] such person:

(a) commits a specified offense and either:

~~[(a)]~~ (i) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

~~[(b)]~~ (ii) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct; or

(b) commits a specified offense or a violation of section 140.05 of this chapter in or on the grounds of a church, synagogue, mosque or other house of worship.

§ 2. Subdivision 2 of section 485.10 of the penal law, as added by chapter 107 of the laws of 2000, is amended to read as follows:

2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a violation, a misdemeanor or a class C, D

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

LBD03472-01-5

1 or E felony, the hate crime shall be deemed to be one category higher
2 than the specified offense the defendant committed, or one category
3 higher than the offense level applicable to the defendant's conviction
4 for an attempt or conspiracy to commit a specified offense, whichever is
5 applicable.

6 § 3. This act shall take effect immediately.