

STATE OF NEW YORK

4684

2025-2026 Regular Sessions

IN SENATE

February 11, 2025

Introduced by Sens. MURRAY, BORRELLO, CANZONERI-FITZPATRICK, GRIFFO, OBERACKER, RHOADS, 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 establishing the crime of aggravated concealment of identity

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

3 TITLE Y-3

4 CRIMINAL CONCEALMENT OF IDENTITY

5 ARTICLE 498

6 CRIMINAL CONCEALMENT OF IDENTITY

7 Section 498.00 Aggravated criminal concealment of identity.

8 498.05 Sentencing.

9 § 498.00 Aggravated criminal concealment of identity.

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

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

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

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1 (strangulation in the second degree); section 121.13 (strangulation in
2 the first degree); subdivision one of section 125.15 (manslaughter in
3 the second degree); subdivision one, two or four of section 125.20
4 (manslaughter in the first degree); section 125.25 (murder in the second
5 degree); section 125.26 (aggravated murder); section 125.27 (murder in
6 the first degree); section 120.45 (stalking in the fourth degree);
7 section 120.50 (stalking in the third degree); section 120.55 (stalking
8 in the second degree); section 120.60 (stalking in the first degree);
9 section 130.20 (sexual misconduct); section 130.25 (rape in the third
10 degree); section 130.30 (rape in the second degree); section 130.35
11 (rape in the first degree); former section 130.40; former section
12 130.45; former section 130.50; section 130.52 (forcible touching);
13 section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse
14 in the third degree); section 130.60 (sexual abuse in the second
15 degree); section 130.65 (sexual abuse in the first degree); section
16 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66
17 (aggravated sexual abuse in the third degree); section 130.67 (aggra-
18 vated sexual abuse in the second degree); section 130.70 (aggravated
19 sexual abuse in the first degree); section 135.05 (unlawful imprisonment
20 in the second degree); section 135.10 (unlawful imprisonment in the
21 first degree); section 135.20 (kidnapping in the second degree); section
22 135.25 (kidnapping in the first degree); section 135.60 (coercion in the
23 third degree); section 135.61 (coercion in the second degree); section
24 135.65 (coercion in the first degree); section 140.10 (criminal trespass
25 in the third degree); section 140.15 (criminal trespass in the second
26 degree); section 140.17 (criminal trespass in the first degree); section
27 140.20 (burglary in the third degree); section 140.25 (burglary in the
28 second degree); section 140.30 (burglary in the first degree); section
29 145.00 (criminal mischief in the fourth degree); section 145.05 (crimi-
30 nal mischief in the third degree); section 145.10 (criminal mischief in
31 the second degree); section 145.12 (criminal mischief in the first
32 degree); section 150.05 (arson in the fourth degree); section 150.10
33 (arson in the third degree); section 150.15 (arson in the second
34 degree); section 150.20 (arson in the first degree); section 155.25
35 (petit larceny); section 155.30 (grand larceny in the fourth degree);
36 section 155.35 (grand larceny in the third degree); section 155.40
37 (grand larceny in the second degree); section 155.42 (grand larceny in
38 the first degree); section 160.05 (robbery in the third degree); section
39 160.10 (robbery in the second degree); section 160.15 (robbery in the
40 first degree); section 230.34 (sex trafficking); section 230.34-a (sex
41 trafficking of a child); section 240.25 (harassment in the first
42 degree); subdivision one, two or four of section 240.30 (aggravated
43 harassment in the second degree); section 240.50 (falsely reporting an
44 incident in the third degree); section 240.55 (falsely reporting an
45 incident in the second degree); section 240.60 (falsely reporting an
46 incident in the first degree); subdivision one of section 265.03 (crimi-
47 nal possession of a weapon in the second degree); subdivision one of
48 section 265.04 (criminal possession of a weapon in the first degree);
49 section 490.10 (soliciting or providing support for an act of terrorism
50 in the second degree); section 490.15 (soliciting or providing support
51 for an act of terrorism in the first degree); section 490.20 (making a
52 terroristic threat); section 490.25 (crime of terrorism); section 490.30
53 (hindering prosecution of terrorism in the second degree); section
54 490.35 (hindering prosecution of terrorism in the first degree); section
55 490.37 (criminal possession of a chemical weapon or biological weapon in
56 the third degree); section 490.40 (criminal possession of a chemical

1 weapon or biological weapon in the second degree); section 490.45 (crim-
2 inal possession of a chemical weapon or biological weapon in the first
3 degree); section 490.47 (criminal use of a chemical weapon or biological
4 weapon in the third degree); section 490.50 (criminal use of a chemical
5 weapon or biological weapon in the second degree); section 490.55 (crim-
6 inal use of a chemical weapon or biological weapon in the first degree);
7 or any attempt or conspiracy to commit any of the foregoing offenses.

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

14 § 498.05 Sentencing.

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

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

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

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

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

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

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

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

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

48 § 2. This act shall take effect immediately.