

# STATE OF NEW YORK

4768

2025-2026 Regular Sessions

## IN SENATE

February 12, 2025

Introduced by Sen. BAILEY -- 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 including solicitation of certain crimes as a specified offense for the purposes of a hate crime

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

1 Section 1. Subdivision 3 of section 485.05 of the penal law, as  
2 amended by section 2 of part C of chapter 55 of the laws of 2024, is  
3 amended to read as follows:  
4 3. A "specified offense" is an offense defined by any of the following  
5 provisions of this chapter: section 120.00 (assault in the third  
6 degree); section 120.05 (assault in the second degree); section 120.06  
7 (gang assault in the second degree); section 120.07 (gang assault in the  
8 first degree); section 120.10 (assault in the first degree); section  
9 120.12 (aggravated assault upon a person less than eleven years old);  
10 section 120.13 (menacing in the first degree); section 120.14 (menacing  
11 in the second degree); section 120.15 (menacing in the third degree);  
12 section 120.20 (reckless endangerment in the second degree); section  
13 120.25 (reckless endangerment in the first degree); section 121.11  
14 (criminal obstruction of breathing or blood circulation); section 121.12  
15 (strangulation in the second degree); section 121.13 (strangulation in  
16 the first degree); subdivision one of section 125.15 (manslaughter in  
17 the second degree); subdivision one, two or four of section 125.20  
18 (manslaughter in the first degree); section 125.25 (murder in the second  
19 degree); section 125.26 (aggravated murder); section 125.27 (murder in  
20 the first degree); section 120.45 (stalking in the fourth degree);  
21 section 120.50 (stalking in the third degree); section 120.55 (stalking  
22 in the second degree); section 120.60 (stalking in the first degree);  
23 section 130.20 (sexual misconduct); section 130.25 (rape in the third  
24 degree); section 130.30 (rape in the second degree); section 130.35  
25 (rape in the first degree); former section 130.40; former section

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

LBD08889-01-5

1 130.45; former section 130.50; section 130.52 (forcible touching);  
2 section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse  
3 in the third degree); section 130.60 (sexual abuse in the second  
4 degree); section 130.65 (sexual abuse in the first degree); section  
5 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66  
6 (aggravated sexual abuse in the third degree); section 130.67 (aggra-  
7 vated sexual abuse in the second degree); section 130.70 (aggravated  
8 sexual abuse in the first degree); section 135.05 (unlawful imprisonment  
9 in the second degree); section 135.10 (unlawful imprisonment in the  
10 first degree); section 135.20 (kidnapping in the second degree); section  
11 135.25 (kidnapping in the first degree); section 135.60 (coercion in the  
12 third degree); section 135.61 (coercion in the second degree); section  
13 135.65 (coercion in the first degree); section 140.10 (criminal trespass  
14 in the third degree); section 140.15 (criminal trespass in the second  
15 degree); section 140.17 (criminal trespass in the first degree); section  
16 140.20 (burglary in the third degree); section 140.25 (burglary in the  
17 second degree); section 140.30 (burglary in the first degree); section  
18 145.00 (criminal mischief in the fourth degree); section 145.05 (crimi-  
19 nal mischief in the third degree); section 145.10 (criminal mischief in  
20 the second degree); section 145.12 (criminal mischief in the first  
21 degree); section 150.05 (arson in the fourth degree); section 150.10  
22 (arson in the third degree); section 150.15 (arson in the second  
23 degree); section 150.20 (arson in the first degree); section 155.25  
24 (petit larceny); section 155.30 (grand larceny in the fourth degree);  
25 section 155.35 (grand larceny in the third degree); section 155.40  
26 (grand larceny in the second degree); section 155.42 (grand larceny in  
27 the first degree); section 160.05 (robbery in the third degree); section  
28 160.10 (robbery in the second degree); section 160.15 (robbery in the  
29 first degree); section 230.34 (sex trafficking); section 230.34-a (sex  
30 trafficking of a child); section 240.25 (harassment in the first  
31 degree); subdivision one, two or four of section 240.30 (aggravated  
32 harassment in the second degree); section 240.50 (falsely reporting an  
33 incident in the third degree); section 240.55 (falsely reporting an  
34 incident in the second degree); section 240.60 (falsely reporting an  
35 incident in the first degree); subdivision one of section 265.03 (crimi-  
36 nal possession of a weapon in the second degree); subdivision one of  
37 section 265.04 (criminal possession of a weapon in the first degree);  
38 section 490.10 (soliciting or providing support for an act of terrorism  
39 in the second degree); section 490.15 (soliciting or providing support  
40 for an act of terrorism in the first degree); section 490.20 (making a  
41 terroristic threat); section 490.25 (crime of terrorism); section 490.30  
42 (hindering prosecution of terrorism in the second degree); section  
43 490.35 (hindering prosecution of terrorism in the first degree); section  
44 490.37 (criminal possession of a chemical weapon or biological weapon in  
45 the third degree); section 490.40 (criminal possession of a chemical  
46 weapon or biological weapon in the second degree); section 490.45 (crim-  
47 inal possession of a chemical weapon or biological weapon in the first  
48 degree); section 490.47 (criminal use of a chemical weapon or biological  
49 weapon in the third degree); section 490.50 (criminal use of a chemical  
50 weapon or biological weapon in the second degree); section 490.55 (crim-  
51 inal use of a chemical weapon or biological weapon in the first degree);  
52 or any attempt [~~ex~~] to commit, conspiracy to commit, solicitation of, or  
53 facilitation of any of the foregoing offenses.

54 § 2. This act shall take effect immediately.