STATE OF NEW YORK

8476

2025-2026 Regular Sessions

IN SENATE

August 13, 2025

Introduced by Sen. WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law, in relation to increasing criminal penalties for aggravated harassment of an elected official and criminal trespass of an elected official's residence

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

Section 1. Section 240.33 of the penal law, as added by section 5 of part F of chapter 55 of the laws of 2024, is amended to read as follows:

§ 240.33 Aggravated harassment of a judge **or elected official**.

A person is guilty of aggravated harassment of a judge **or elected official** when:

1. With intent to harass another person, the actor either:

(a) communicates, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person the actor knows or reasonably should know is a judge **or elected official**, or a member of such judge's **or elected official's** immediate family, and the actor knows or reasonably should know that such communication will cause such judge **or elected official** to reasonably fear harm to such judge's **or elected official's** physical safety or property, or to the physical safety or property of a member of such judge's **or elected official's** immediate family; or

(b) causes a communication to be initiated anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person the actor knows or reasonably should know is a judge **or elected official**, or a member of such judge's **or elected official's** immediate family, and the actor knows or reasonably should know that such communi-

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

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cation will cause such judge **or elected official** to reasonably fear harm to such person's physical safety or property, or to the physical safety or property of a member of such judge's **or elected official's** immediate family; or

2. With intent to harass or threaten a person the actor knows or reasonably should know is a judge **or elected official** or a member of such judge's **or elected official's** immediate family, the actor makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or

3. With the intent to harass, annoy, threaten or alarm a person the actor knows or reasonably should know is a judge **or elected official** or a member of such judge's **or elected official's** immediate family, the actor strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct; or

4. With the intent to harass, annoy, threaten or alarm a person the actor knows or reasonably should know is a judge **or elected official** or a member of such judge's **or elected official's** immediate family, the actor strikes, shoves, kicks or otherwise subjects another person to physical contact thereby causing physical injury to such person or to an immediate family member of such person; or

5. The actor commits the crime of harassment in the first degree against a person the actor knows or reasonably should know is a judge **or elected official** or a member of such judge's **or elected official's** immediate family and has previously been convicted of the crime of harassment in the first degree as defined by section 240.25 of this article within the preceding ten years.

For purposes of this section: "judge" shall mean a judge of a court of record or a justice court; and "immediate family" shall have the same meaning as defined in section 120.40 of this chapter.

Aggravated harassment of a judge **or elected official** is a class E felony.

§ 2. Section 140.17 of the penal law, as added by chapter 341 of the laws of 1969, is amended to read as follows:

§ 140.17[~~.~~] Criminal trespass in the first degree.

A person is guilty of criminal trespass in the first degree when [~~he~~] **such person** knowingly enters or remains unlawfully in a building, and when, in the course of committing such crime, [~~he~~] **such person**:

1. Possesses, or knows that another participant in the crime possesses, an explosive or a deadly weapon; or

2. Possesses a firearm, rifle or shotgun, as those terms are defined in section 265.00 **of this part**, and also possesses or has readily accessible a quantity of ammunition which is capable of being discharged from such firearm, rifle or shotgun; or

3. Knows that another participant in the crime possesses a firearm, rifle or shotgun under circumstances described in subdivision two[~~.~~] **of this section; or**

4. Knows that an elected official or such elected official's immediate family resides in such building. For the purposes of this subdivision, "immediate family" shall have the same meaning as defined in section 120.40 of this part.

Criminal trespass in the first degree is a class D felony.

§ 3. This act shall take effect immediately.