

STATE OF NEW YORK

1092

2025-2026 Regular Sessions

IN ASSEMBLY

January 8, 2025

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

AN ACT to amend the penal law and the criminal procedure law, in
relation to establishing the crimes of aggravated threat of mass harm
in the first degree and aggravated threat of mass harm in the second
degree, and making such crimes hate crimes

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

1 Section 1. Section 240.79 of the penal law, as added by chapter 206 of
2 the laws of 2022, is renumbered section 240.80 and is amended to read as
3 follows:
4 § 240.80 Aggravated threat of mass harm in the first degree.
5 1. A person is guilty of aggravated threat of mass harm in the first
6 degree when such person engages in conduct as defined in section 240.78
7 or 240.79 of this article and has made any overt act in furtherance of
8 the commission of such crime.
9 2. For purposes of this section, an overt act may include making a
10 plan to carry out such threat, compiling a list of targets, possession
11 of any weapon or device that can be used to carry out such threat, or
12 other preparatory action.
13 Aggravated threat of mass harm in the first degree is a class [~~A~~
14 ~~misdemeanor~~] E felony.
15 § 2. The penal law is amended by adding a new section 240.79 to read
16 as follows:
17 § 240.79 Aggravated threat of mass harm in the second degree.
18 1. A person is guilty of aggravated threat of mass harm in the second
19 degree when such person engages in conduct as defined in section 240.78
20 of this article and the threat is made because of a belief or perception
21 regarding the group's race, color, national origin, ancestry, gender,
22 gender identity or expression, religion, religious practice, age, disa-

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

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1 bility or sexual orientation, regardless of whether the belief or
2 perception is correct.

3 2. Proof of race, color, national origin, ancestry, gender, gender
4 identity or expression, religion, religious practice, age, disability or
5 sexual orientation of the defendant, the victim or of both the defendant
6 and the victim does not, by itself, constitute legally sufficient
7 evidence satisfying the people's burden under subdivision one of this
8 section.

9 Aggravated threat of mass harm in the second degree is a class A
10 misdemeanor.

11 § 3. Subdivision 3 of section 485.05 of the penal law, as amended by
12 section 2 of part C of chapter 55 of the laws of 2024, is amended to
13 read as follows:

14 3. A "specified offense" is an offense defined by any of the following
15 provisions of this chapter: section 120.00 (assault in the third
16 degree); section 120.05 (assault in the second degree); section 120.06
17 (gang assault in the second degree); section 120.07 (gang assault in the
18 first degree); section 120.10 (assault in the first degree); section
19 120.12 (aggravated assault upon a person less than eleven years old);
20 section 120.13 (menacing in the first degree); section 120.14 (menacing
21 in the second degree); section 120.15 (menacing in the third degree);
22 section 120.20 (reckless endangerment in the second degree); section
23 120.25 (reckless endangerment in the first degree); section 121.11
24 (criminal obstruction of breathing or blood circulation); section 121.12
25 (strangulation in the second degree); section 121.13 (strangulation in
26 the first degree); subdivision one of section 125.15 (manslaughter in
27 the second degree); subdivision one, two or four of section 125.20
28 (manslaughter in the first degree); section 125.25 (murder in the second
29 degree); section 125.26 (aggravated murder); section 125.27 (murder in
30 the first degree); section 120.45 (stalking in the fourth degree);
31 section 120.50 (stalking in the third degree); section 120.55 (stalking
32 in the second degree); section 120.60 (stalking in the first degree);
33 section 130.20 (sexual misconduct); section 130.25 (rape in the third
34 degree); section 130.30 (rape in the second degree); section 130.35
35 (rape in the first degree); former section 130.40; former section
36 130.45; former section 130.50; section 130.52 (forcible touching);
37 section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse
38 in the third degree); section 130.60 (sexual abuse in the second
39 degree); section 130.65 (sexual abuse in the first degree); section
40 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66
41 (aggravated sexual abuse in the third degree); section 130.67 (aggra-
42 vated sexual abuse in the second degree); section 130.70 (aggravated
43 sexual abuse in the first degree); section 135.05 (unlawful imprisonment
44 in the second degree); section 135.10 (unlawful imprisonment in the
45 first degree); section 135.20 (kidnapping in the second degree); section
46 135.25 (kidnapping in the first degree); section 135.60 (coercion in the
47 third degree); section 135.61 (coercion in the second degree); section
48 135.65 (coercion in the first degree); section 140.10 (criminal trespass
49 in the third degree); section 140.15 (criminal trespass in the second
50 degree); section 140.17 (criminal trespass in the first degree); section
51 140.20 (burglary in the third degree); section 140.25 (burglary in the
52 second degree); section 140.30 (burglary in the first degree); section
53 145.00 (criminal mischief in the fourth degree); section 145.05 (crimi-
54 nal mischief in the third degree); section 145.10 (criminal mischief in
55 the second degree); section 145.12 (criminal mischief in the first
56 degree); section 150.05 (arson in the fourth degree); section 150.10

1 (arson in the third degree); section 150.15 (arson in the second
2 degree); section 150.20 (arson in the first degree); section 155.25
3 (petit larceny); section 155.30 (grand larceny in the fourth degree);
4 section 155.35 (grand larceny in the third degree); section 155.40
5 (grand larceny in the second degree); section 155.42 (grand larceny in
6 the first degree); section 160.05 (robbery in the third degree); section
7 160.10 (robbery in the second degree); section 160.15 (robbery in the
8 first degree); section 230.34 (sex trafficking); section 230.34-a (sex
9 trafficking of a child); section 240.25 (harassment in the first
10 degree); subdivision one, two or four of section 240.30 (aggravated
11 harassment in the second degree); section 240.31 (aggravated harassment
12 in the first degree); section 240.79 (aggravated threat of mass harm in
13 the second degree); section 240.80 (aggravated threat of mass harm in
14 the first degree); section 240.50 (falsely reporting an incident in the
15 third degree); section 240.55 (falsely reporting an incident in the
16 second degree); section 240.60 (falsely reporting an incident in the
17 first degree); subdivision one of section 265.03 (criminal possession of
18 a weapon in the second degree); subdivision one of section 265.04 (crim-
19 inal possession of a weapon in the first degree); section 490.10 (solic-
20 iting or providing support for an act of terrorism in the second
21 degree); section 490.15 (soliciting or providing support for an act of
22 terrorism in the first degree); section 490.20 (making a terroristic
23 threat); section 490.25 (crime of terrorism); section 490.30 (hindering
24 prosecution of terrorism in the second degree); section 490.35 (hinder-
25 ing prosecution of terrorism in the first degree); section 490.37 (crim-
26 inal possession of a chemical weapon or biological weapon in the third
27 degree); section 490.40 (criminal possession of a chemical weapon or
28 biological weapon in the second degree); section 490.45 (criminal
29 possession of a chemical weapon or biological weapon in the first
30 degree); section 490.47 (criminal use of a chemical weapon or biological
31 weapon in the third degree); section 490.50 (criminal use of a chemical
32 weapon or biological weapon in the second degree); section 490.55 (crim-
33 inal use of a chemical weapon or biological weapon in the first degree);
34 or any attempt or conspiracy to commit any of the foregoing offenses.

35 § 4. Paragraph (a) of subdivision 1 of section 530.13 of the criminal
36 procedure law, as amended by chapter 794 of the laws of 1986, is amended
37 to read as follows:

38 (a) stay away from the home, school, business or place of employment
39 of the victims of, or designated witnesses to, the alleged offense, or
40 stay away from the places or events subject to threats of mass harm in
41 an alleged offense defined in section 240.78, 240.79, or 240.80 of the
42 penal law, as shall be specifically named by the court in such order;

43 § 5. Paragraph (a) of subdivision 4 of section 530.13 of the criminal
44 procedure law, as amended by chapter 610 of the laws of 1998, is amended
45 to read as follows:

46 (a) stay away from the home, school, business or place of employment
47 of the victim or victims, or of any witness designated by the court, of
48 such offense; or stay away from the places or events subject to
49 threats of mass harm in an alleged offense defined in section 240.78,
50 240.79, or 240.80 of the penal law, as shall be specifically named by
51 the court in such order;

52 § 6. This act shall take effect immediately.