

STATE OF NEW YORK

2159

2025-2026 Regular Sessions

IN ASSEMBLY

January 15, 2025

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

AN ACT to amend the penal law, in relation to increasing the classification of misdemeanor hate crime offenses to a felony

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

1 Section 1. Subdivision 2 of section 485.10 of the penal law, as added
2 by chapter 107 of the laws of 2000, is amended to read as follows:

3 2. When a person is convicted of a hate crime pursuant to this article
4 and the specified offense is [~~a misdemeanor or~~] a class C, D or E felo-
5 ny, the hate crime shall be deemed to be one category higher than the
6 specified offense the defendant committed, or one category higher than
7 the offense level applicable to the defendant's conviction for an
8 attempt or conspiracy to commit a specified offense, whichever is appli-
9 cable. When a person is convicted of a hate crime pursuant to this arti-
10 cle and the specified offense is a misdemeanor or an attempt or conspir-
11 acy to commit a specified offense that is a misdemeanor, the hate crime
12 shall be deemed to be a class E felony.

13 § 2. This act shall take effect on the one hundred twentieth day after
14 it shall have become a law.

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

LBD02278-01-5