STATE OF NEW YORK

3073

2025-2026 Regular Sessions

IN ASSEMBLY

January 23, 2025

Introduced by M. of A. ROZIC, VANEL, HYNDMAN, COOK, GLICK, DINOWITZ, COLTON, LAVINE, R. CARROLL, EICHENSTEIN, SEAWRIGHT, WILLIAMS, FALL, CRUZ, SAYEGH, JACOBSON, STIRPE, MILLER, REYES, DiPIETRO, GIGLIO, MORINELLO, SMULLEN, DeSTEFANO -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to criminal mischief and larceny offenses committed at a place of religious worship and to cemetery desecration

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

Section 1. Subdivision 2 of section 145.05 of the penal law, as amended by chapter 276 of the laws of 2003, is amended and a new subdivision 3 is added to read as follows:

2. damages property of another person in an amount exceeding two hundred fifty dollars[~~.~~]**; or**

3. damages property which, regardless of its nature or value, is in any building, structure or upon the curtilage of such building or structure used as a place of religious worship by a religious corporation, as incorporated under the religious corporations law or the education law, or used as a museum whose central purpose is religious in nature.

§ 2. Section 145.10 of the penal law, as amended by chapter 961 of the laws of 1971, is amended to read as follows:

§ 145.10 Criminal mischief in the second degree.

A person is guilty of criminal mischief in the second degree when with intent to damage property of another person, and having no right to do so nor any reasonable ground to believe that [~~he~~] **such person** has such right, [~~he~~] **such person:**

1. damages property of another person in an amount exceeding one thousand five hundred dollars[~~.~~]**; or**

2. damages property which consists of a scroll, a religious vestment, a vessel, an item comprising a display of religious symbols which forms

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

LBD06195-01-5

a representative expression of faith or any other item kept or used in connection with religious worship in any building, structure or upon the curtilage of such building or structure used as a place of religious worship by a religious corporation, as incorporated under the religious corporations law or the education law, or used as a museum whose central purpose is religious in nature.

Criminal mischief in the second degree is a class D felony.

§ 3. Section 145.22 of the penal law, as amended by chapter 353 of the laws of 2007, is amended to read as follows:

§ 145.22 Cemetery desecration in the [~~second~~] third degree.

A person is guilty of cemetery desecration in the [~~second~~] third degree when: (a) with intent to damage property of another person[~~,~~] and having no right to do so nor any reasonable ground to believe that [~~he~~] such person has such right, [~~he~~] such person damages any real or personal property used or maintained as a cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault or other place of interment or temporary storage of human remains or cremated human remains, or any monument, headstone, marker, plaque, statue, vase, urn, decoration, flag holder, or other embellishment that is located on or adjacent to, or is otherwise associated with, any such cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault, or other place of interment or temporary storage; or

(b) with intent to steal personal property, [~~he~~] such person steals personal property which is located at a cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault or other place of interment or temporary storage of human remains or cremated human remains, or any monument, headstone, marker, plaque, statue, vase, urn, decoration, flag holder, or other embellishment that is located on or adjacent to, or is otherwise associated with, any such cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault, or other place of interment or temporary storage, and which property is owned by the person or organization which maintains or owns such place or the estate, next-of-kin or representatives of the deceased person interred or stored there.

Cemetery desecration in the [~~second~~] third degree is a class A misdemeanor.

§ 4. Section 145.23 of the penal law, as amended by chapter 353 of the laws of 2007, is amended to read as follows:

§ 145.23 Cemetery desecration in the [~~first~~] second degree.

A person is guilty of cemetery desecration in the [~~first~~] second degree when, with intent to damage property of another person[~~,~~] and having no right to do so nor any reasonable ground to believe that [~~he~~] such person has such right, [~~he~~] such person:

(a) damages any real or personal property used or maintained as a cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault or other place of interment or temporary storage of human remains or cremated human remains, or any monument, headstone, marker, plaque, statue, vase, urn, decoration, flag holder, or other embellishment that is located on or adjacent to, or is otherwise associated with, any such cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault, or other place of interment or temporary storage, in an amount exceeding two hundred fifty dollars; or

(b) with intent to steal personal property, [~~he~~] such person steals personal property, the value of which exceeds two hundred fifty dollars, which is located at a cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault or other place of interment or tempo-

rary storage of human remains or cremated human remains, or any monument, headstone, marker, plaque, statue, vase, urn, decoration, flag holder, or other embellishment that is located on or adjacent to, or is otherwise associated with, any such cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault, or other place of interment or temporary storage, and which property is owned by the person or organization which maintains or owns such place or the estate, next-of-kin or representatives of the deceased person interred there; or

(c) commits the crime of cemetery desecration in the [~~second~~] third degree as defined in section 145.22 of this article and has been previously convicted of the crime of cemetery desecration in the [~~second~~] third degree, cemetery desecration in the second degree, aggravated cemetery desecration in the second degree or aggravated cemetery desecration in the first degree within the preceding five years.

Cemetery desecration in the [~~first~~] second degree is a class E felony.

§ 5. The penal law is amended by adding a new section 145.24 to read as follows:

§ 145.24 Cemetery desecration in the first degree.

A person is guilty of cemetery desecration in the first degree when, with intent to damage property of another person and having no right to do so nor any reasonable ground to believe that such person has such right, such person:

(a) damages any real or personal property used or maintained as a cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault or other place of interment or temporary storage of human remains or cremated human remains, or any monument, headstone, marker, plaque, statue, vase, urn, decoration, flag holder, or other embellishment that is located on or adjacent to, or is otherwise associated with, any such cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault, or other place of interment or temporary storage, in an amount exceeding two thousand dollars; or

(b) with intent to steal personal property, such person steals personal property, the value of which exceeds two thousand dollars, which is located at a cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault or other place of interment or temporary storage of human remains or cremated human remains, or any monument, headstone, marker, memorial, plaque, statue, vase, urn, decoration, flag holder, or other embellishment that is located on or adjacent to, or is otherwise associated with, any such cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault, or other place of interment or temporary storage, and which property is owned by the person or organization which maintains or owns such place or the estate, next-of-kin or representatives of the deceased person interred there; or

(c) commits the crime of cemetery desecration in the second degree as defined in section 145.23 of this article and has been previously convicted of the crime of cemetery desecration in the third degree, cemetery desecration in the second degree, cemetery desecration in the first degree, aggravated cemetery desecration in the second degree or aggravated cemetery desecration in the first degree.

Cemetery desecration in the first degree is a class D felony.

§ 6. Section 60.29 of the penal law, as added by chapter 165 of the laws of 1997, is amended to read as follows:

§ 60.29 Authorized disposition; cemetery desecration.

When a person is convicted of an offense defined in section 145.22 [~~or~~], 145.23, or 145.24 of this chapter or of an attempt to commit such

an offense, and the sentence imposed by the court for such conviction includes a sentence of probation or conditional discharge, such sentence shall, where appropriate, be in accordance with paragraph (h) of subdivision two of section 65.10 of this [~~article~~] title as such section relates to cemetery crime.

§ 7. Paragraph (h) of subdivision 2 of section 65.10 of the penal law, as amended by chapter 508 of the laws of 2001, is amended to read as follows:

(h) Perform services for a public or not-for-profit corporation, association, institution, or agency, including but not limited to services for the division of substance abuse services, services in an appropriate community program for removal of graffiti from public or private property, including any property damaged in the underlying offense, or services for the maintenance and repair of real or personal property used or maintained as a cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault, or other place of interment or temporary storage of human remains or cremated human remains, or any monument, headstone, marker, plaque, statue, vase, urn, decoration, flag holder, or other embellishment that is located on or adjacent to, or is otherwise associated with, any such cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault, or other place of interment or temporary storage. Provided, however, that the performance of any such services shall not result in the displacement of employed workers or in the impairment of existing contracts for services, nor shall the performance of any such services be required or permitted in any establishment involved in any labor strike or lockout. The court may establish provisions for the early termination of a sentence of probation or conditional discharge pursuant to the provisions of subdivision three of section 410.90 of the criminal procedure law after such services have been completed. Such sentence may only be imposed upon conviction of a misdemeanor, violation, or class D or class E felony, or a youthful offender finding replacing any such conviction, where the defendant has consented to the amount and conditions of such service;

§ 8. Subdivision 9 of section 155.30 of the penal law, as amended by section 1 of part FF of chapter 55 of the laws of 2024, is amended to read as follows:

9. The property [~~consists of a scroll, religious vestment, a vessel, an item comprising a display of religious symbols which forms a representative expression of faith, or other miscellaneous item of property which:~~

~~(a) has a value of at least one hundred dollars; and~~

~~(b) is kept for or used in connection with religious worship in~~], ~~,~~ regardless of its nature or value, is taken from any building, structure or upon the curtilage of such building or structure used as a place of religious worship by a religious corporation, as incorporated under the religious corporations law or the education law; or

§ 9. Section 155.35 of the penal law, as amended by section 5 of part O of chapter 55 of the laws of 2024, subdivision 2 as separately amended and subdivision 3 as added by section 2 of part FF of chapter 55 of the laws of 2024, is amended to read as follows:

§ 155.35 Grand larceny in the third degree.

A person is guilty of grand larceny in the third degree when such person steals property and:

1. when the value of the property exceeds three thousand dollars, or

2. the property is an automated teller machine or the contents of an automated teller machine, or

3. the property consists of retail goods or merchandise stolen pursuant to a common scheme or plan or a single, ongoing intent to deprive another or others of the property or to appropriate the property to the actor or another person and the value of the property exceeds three thousand dollars, which value may be determined by the aggregate value of all such property regardless of whether the goods or merchandise were stolen from the same owner. Nothing in this subdivision shall be read to limit the ability to aggregate the value of any property or the ability to charge the larceny of retail goods or merchandise under another applicable provision of law[~~.~~]**, or**

[~~**3.**~~] **4.** when such person commits deed theft of one commercial real property, regardless of the value[~~.~~]**, or**

5. the property consists of a scroll, a religious vestment, a vessel, an item comprising a display of religious symbols which form a representative expression of faith or any other item kept or used in connection with religious worship in any building, structure or upon the curtilage of such building or structure used as a place of religious worship by a religious corporation, as incorporated under the religious corporations law or the education law, or used as a museum whose central purpose is religious in nature.

Grand larceny in the third degree is a class D felony.

§ 10. Subdivisions 3 of section 155.40 of the penal law, as added by section 3 of part FF of chapter 55 and section 6 of part O of chapter 56 of the laws of 2024, are amended and a new subdivision 5 is added to read as follows:

3. The property consists of retail goods or merchandise stolen pursuant to a common scheme or plan or a single, ongoing intent to deprive another or others of the property or to appropriate the property to the actor or another person and the value of the property exceeds fifty thousand dollars, which value may be determined by the aggregate value of all such property regardless of whether the goods or merchandise were stolen from the same owner. Nothing in this subdivision shall be read to limit the ability to aggregate the value of any property or the ability to charge the larceny of retail goods or merchandise under another applicable provision of law[~~.~~]**; or**

[~~**3.**~~] **4.** Such person commits deed theft, regardless of the value, of: (a) one residential real property; or (b) one commercial mixed-use property with at least one residential unit; or (c) two or more commercial properties[~~.~~]**; or**

5. The property consists of a scroll, a religious vestment, a vessel, an item comprising a display of religious symbols which forms a representative expression of faith, or other item of property which:

(a) has a value of at least two hundred fifty dollars; and

(b) is kept for or used in connection with religious worship in any building, structure or upon the curtilage of such building or structure used as a place of religious worship by a religious corporation, as incorporated under the religious corporations law or the education law, or used as a museum whose central purpose is religious in nature.

§ 11. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.