

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:

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

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

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

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

13 § 145.10 Criminal mischief in the second degree.

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

18 1. damages property of another person in an amount exceeding one thou-
19 sand five hundred dollars~~[-]~~; or

20 2. damages property which consists of a scroll, a religious vestment,
21 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.

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

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

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

10 § 145.22 Cemetery desecration in the [~~second~~] third degree.

11 A person is guilty of cemetery desecration in the [~~second~~] third
12 degree when: (a) with intent to damage property of another person[7]
13 and having no right to do so nor any reasonable ground to believe that
14 [~~he~~] such person has such right, [~~he~~] such person damages any real or
15 personal property used or maintained as a cemetery, mausoleum, columbar-
16 ium, lot, plot, grave, burial place, crypt, vault or other place of
17 interment or temporary storage of human remains or cremated human
18 remains, or any monument, headstone, marker, plaque, statue, vase, urn,
19 decoration, flag holder, or other embellishment that is located on or
20 adjacent to, or is otherwise associated with, any such cemetery, mauso-
21 leum, columbarium, lot, plot, grave, burial place, crypt, vault, or
22 other place of interment or temporary storage; or

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

35 Cemetery desecration in the [~~second~~] third degree is a class A misde-
36 meanor.

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

39 § 145.23 Cemetery desecration in the [~~first~~] second degree.

40 A person is guilty of cemetery desecration in the [~~first~~] second
41 degree when, with intent to damage property of another person[7] and
42 having no right to do so nor any reasonable ground to believe that [~~he~~]
43 such person has such right, [~~he~~] such person:

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

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

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

9 (c) commits the crime of cemetery desecration in the [~~second~~] third
10 degree as defined in section 145.22 of this article and has been previ-
11 ously convicted of the crime of cemetery desecration in the [~~second~~]
12 third degree, cemetery desecration in the second degree, aggravated
13 cemetery desecration in the second degree or aggravated cemetery dese-
14 cration in the first degree within the preceding five years.

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

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

18 § 145.24 Cemetery desecration in the first degree.

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

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

32 (b) with intent to steal personal property, such person steals
33 personal property, the value of which exceeds two thousand dollars,
34 which is located at a cemetery, mausoleum, columbarium, lot, plot,
35 grave, burial place, crypt, vault or other place of interment or tempo-
36 rary storage of human remains or cremated human remains, or any monu-
37 ment, headstone, marker, memorial, plaque, statue, vase, urn, deco-
38 ration, flag holder, or other embellishment that is located on or
39 adjacent to, or is otherwise associated with, any such cemetery, mauso-
40 leum, columbarium, lot, plot, grave, burial place, crypt, vault, or
41 other place of interment or temporary storage, and which property is
42 owned by the person or organization which maintains or owns such place
43 or the estate, next-of-kin or representatives of the deceased person
44 interred there; or

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

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

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

54 § 60.29 Authorized disposition; cemetery desecration.

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

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

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

9 (h) Perform services for a public or not-for-profit corporation, asso-
10 ciation, institution, or agency, including but not limited to services
11 for the division of substance abuse services, services in an appropriate
12 community program for removal of graffiti from public or private proper-
13 ty, including any property damaged in the underlying offense, or
14 services for the maintenance and repair of real or personal property
15 used or maintained as a cemetery, mausoleum, columbarium, lot, plot,
16 grave, burial place, crypt, vault, or other place of interment or tempo-
17 rary storage of human remains or cremated human remains, or any monu-
18 ment, headstone, marker, plaque, statue, vase, urn, decoration, flag
19 holder, or other embellishment that is located on or adjacent to, or is
20 otherwise associated with, any such cemetery, mausoleum, columbarium,
21 lot, plot, grave, burial place, crypt, vault, or other place of inter-
22 ment or temporary storage. Provided, however, that the performance of
23 any such services shall not result in the displacement of employed work-
24 ers or in the impairment of existing contracts for services, nor shall
25 the performance of any such services be required or permitted in any
26 establishment involved in any labor strike or lockout. The court may
27 establish provisions for the early termination of a sentence of
28 probation or conditional discharge pursuant to the provisions of subdi-
29 vision three of section 410.90 of the criminal procedure law after such
30 services have been completed. Such sentence may only be imposed upon
31 conviction of a misdemeanor, violation, or class D or class E felony, or
32 a youthful offender finding replacing any such conviction, where the
33 defendant has consented to the amount and conditions of such service;

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

37 9. The property ~~[consists of a scroll, religious vestment, a vessel,~~
38 ~~an item comprising a display of religious symbols which forms a repre-~~
39 ~~sentative expression of faith, or other miscellaneous item of property~~
40 ~~which:~~

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

42 ~~(b) is kept for or used in connection with religious worship in],~~

43 regardless of its nature or value, is taken from any building, structure
44 or upon the curtilage of such building or structure used as a place of
45 religious worship by a religious corporation, as incorporated under the
46 religious corporations law or the education law; or

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

51 § 155.35 Grand larceny in the third degree.

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

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

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

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

11 [~~3+~~] 4. when such person commits deed theft of one commercial real
12 property, regardless of the value[~~+~~], or

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

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

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

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

36 [~~3+~~] 4. Such person commits deed theft, regardless of the value, of:
37 (a) one residential real property; or (b) one commercial mixed-use prop-
38 erty with at least one residential unit; or (c) two or more commercial
39 properties[~~+~~]; or

40 5. The property consists of a scroll, a religious vestment, a vessel,
41 an item comprising a display of religious symbols which forms a repre-
42 sentative expression of faith, or other item of property which:

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

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

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