STATE OF NEW YORK

3826

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

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

AN ACT to amend the penal law, in relation to establishing the crimes of deceptive wearing of a mask and aggravated deceptive wearing of a mask

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

Section 1. The penal law is amended by adding two new sections 190.90 and 190.91 to read as follows:

§ 190.90 Deceptive wearing of a mask.

A person is guilty of deceptive wearing of a mask when, such person being masked or in any manner disguised by unusual or unnatural attire or facial alteration, loiters, remains or congregates in a public place with other persons so masked or disguised while engaged in a protest, rally or other public assembly, or knowingly permits or aids persons so masked or disguised to congregate in a public place; except that such conduct is not unlawful when it is worn for religious observance or customs or when it occurs in connection with a masquerade party or like entertainment if, when such entertainment is held in a city which has promulgated regulations in connection with such affairs, permission is first obtained from the police or other appropriate authorities.

Deceptive wearing of a mask is a class B misdemeanor.

§ 190.91 Aggravated deceptive wearing of a mask.

A person is guilty of aggravated deceptive wearing of a mask when, such person being masked or in any manner disguised by unusual or unnatural attire or facial alteration, loiters, remains or congregates in a public place with other persons so masked or disguised while engaged in the conduct of deceptive wearing of a mask and cause injury to a person or damage to property or theft of property belonging to another person, or knowingly permits or aids persons so masked or disguised to congregate in a public place; except that such conduct is not unlawful when it is worn for religious observance or customs or when it occurs in

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

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connection with a masquerade party or like entertainment if, when such entertainment is held in a city which has promulgated regulations in connection with such affairs, permission is first obtained from the police or other appropriate authorities.

Aggravated deceptive wearing of a mask is a class A misdemeanor.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.