

STATE OF NEW YORK

3990

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

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

AN ACT to amend the penal law, in relation to including community centers with a religious affiliation in the definition of public place for purposes of offenses against public order; and including placing a false bomb or hazardous substance in the definition of specified offense for the purpose of hate crimes

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

1 Section 1. Subdivision 1 of section 240.00 of the penal law, as
2 amended by chapter 167 of the laws of 2017, is amended to read as
3 follows:

4 1. "Public place" means a place to which the public or a substantial
5 group of persons has access, and includes, but is not limited to, high-
6 ways, transportation facilities, schools, places of amusement, parks,
7 playgrounds, community centers with a religious affiliation, and hall-
8 ways, lobbies and other portions of apartment houses and hotels not
9 constituting rooms or apartments designed for actual residence.

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

13 3. A "specified offense" is an offense defined by any of the following
14 provisions of this chapter: section 120.00 (assault in the third
15 degree); section 120.05 (assault in the second degree); section 120.06
16 (gang assault in the second degree); section 120.07 (gang assault in the
17 first degree); section 120.10 (assault in the first degree); section
18 120.12 (aggravated assault upon a person less than eleven years old);
19 section 120.13 (menacing in the first degree); section 120.14 (menacing
20 in the second degree); section 120.15 (menacing in the third degree);
21 section 120.20 (reckless endangerment in the second degree); section
22 120.25 (reckless endangerment in the first degree); section 121.11

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

LBD06029-02-5

1 (criminal obstruction of breathing or blood circulation); section 121.12
2 (strangulation in the second degree); section 121.13 (strangulation in
3 the first degree); subdivision one of section 125.15 (manslaughter in
4 the second degree); subdivision one, two or four of section 125.20
5 (manslaughter in the first degree); section 125.25 (murder in the second
6 degree); section 125.26 (aggravated murder); section 125.27 (murder in
7 the first degree); section 120.45 (stalking in the fourth degree);
8 section 120.50 (stalking in the third degree); section 120.55 (stalking
9 in the second degree); section 120.60 (stalking in the first degree);
10 section 130.20 (sexual misconduct); section 130.25 (rape in the third
11 degree); section 130.30 (rape in the second degree); section 130.35
12 (rape in the first degree); former section 130.40; former section
13 130.45; former section 130.50; section 130.52 (forcible touching);
14 section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse
15 in the third degree); section 130.60 (sexual abuse in the second
16 degree); section 130.65 (sexual abuse in the first degree); section
17 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66
18 (aggravated sexual abuse in the third degree); section 130.67 (aggra-
19 vated sexual abuse in the second degree); section 130.70 (aggravated
20 sexual abuse in the first degree); section 135.05 (unlawful imprisonment
21 in the second degree); section 135.10 (unlawful imprisonment in the
22 first degree); section 135.20 (kidnapping in the second degree); section
23 135.25 (kidnapping in the first degree); section 135.60 (coercion in the
24 third degree); section 135.61 (coercion in the second degree); section
25 135.65 (coercion in the first degree); section 140.10 (criminal trespass
26 in the third degree); section 140.15 (criminal trespass in the second
27 degree); section 140.17 (criminal trespass in the first degree); section
28 140.20 (burglary in the third degree); section 140.25 (burglary in the
29 second degree); section 140.30 (burglary in the first degree); section
30 145.00 (criminal mischief in the fourth degree); section 145.05 (crimi-
31 nal mischief in the third degree); section 145.10 (criminal mischief in
32 the second degree); section 145.12 (criminal mischief in the first
33 degree); section 150.05 (arson in the fourth degree); section 150.10
34 (arson in the third degree); section 150.15 (arson in the second
35 degree); section 150.20 (arson in the first degree); section 155.25
36 (petit larceny); section 155.30 (grand larceny in the fourth degree);
37 section 155.35 (grand larceny in the third degree); section 155.40
38 (grand larceny in the second degree); section 155.42 (grand larceny in
39 the first degree); section 160.05 (robbery in the third degree); section
40 160.10 (robbery in the second degree); section 160.15 (robbery in the
41 first degree); section 230.34 (sex trafficking); section 230.34-a (sex
42 trafficking of a child); section 240.25 (harassment in the first
43 degree); subdivision one, two or four of section 240.30 (aggravated
44 harassment in the second degree); section 240.50 (falsely reporting an
45 incident in the third degree); section 240.55 (falsely reporting an
46 incident in the second degree); section 240.60 (falsely reporting an
47 incident in the first degree); section 240.62 (placing a false bomb or
48 hazardous substance in the first degree); subdivision one of section
49 265.03 (criminal possession of a weapon in the second degree); subdivi-
50 sion one of section 265.04 (criminal possession of a weapon in the first
51 degree); section 490.10 (soliciting or providing support for an act of
52 terrorism in the second degree); section 490.15 (soliciting or providing
53 support for an act of terrorism in the first degree); section 490.20
54 (making a terroristic threat); section 490.25 (crime of terrorism);
55 section 490.30 (hindering prosecution of terrorism in the second
56 degree); section 490.35 (hindering prosecution of terrorism in the first

1 degree); section 490.37 (criminal possession of a chemical weapon or
2 biological weapon in the third degree); section 490.40 (criminal
3 possession of a chemical weapon or biological weapon in the second
4 degree); section 490.45 (criminal possession of a chemical weapon or
5 biological weapon in the first degree); section 490.47 (criminal use of
6 a chemical weapon or biological weapon in the third degree); section
7 490.50 (criminal use of a chemical weapon or biological weapon in the
8 second degree); section 490.55 (criminal use of a chemical weapon or
9 biological weapon in the first degree); or any attempt or conspiracy to
10 commit any of the foregoing offenses.

11 § 3. This act shall take effect immediately.