

STATE OF NEW YORK

1751

2025-2026 Regular Sessions

IN SENATE

January 13, 2025

Introduced by Sens. CANZONERI-FITZPATRICK, OBERACKER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to increasing the penalties for certain crimes involving tampering with a witness or intimidating a victim or witness

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

1 Section 1. The closing paragraph of section 215.11 of the penal law,
2 as added by chapter 664 of the laws of 1982, is amended to read as
3 follows:
4 Tampering with a witness in the third degree is a class [E] D felony.
5 § 2. The closing paragraph of section 215.12 of the penal law, as
6 added by chapter 664 of the laws of 1982, is amended to read as follows:
7 Tampering with a witness in the second degree is a class [D] C felony.
8 § 3. The closing paragraph of section 215.15 of the penal law, as
9 added by chapter 667 of the laws of 1985, is amended to read as follows:
10 Intimidating a victim or witness in the third degree is a class [E] D
11 felony.
12 § 4. The closing paragraph of section 215.16 of the penal law, as
13 added by chapter 667 of the laws of 1985, is amended to read as follows:
14 Intimidating a victim or witness in the second degree is a class [D] C
15 felony.
16 § 5. Paragraphs (b) and (c) of subdivision 1 of section 70.02 of the
17 penal law, paragraph (b) as amended by chapter 94 of the laws of 2020
18 and paragraph (c) as amended by chapter 23 of the laws of 2024, are
19 amended to read as follows:
20 (b) Class C violent felony offenses: an attempt to commit any of the
21 class B felonies set forth in paragraph (a) of this subdivision; aggra-
22 vated criminally negligent homicide as defined in section 125.11, aggra-
23 vated manslaughter in the second degree as defined in section 125.21,

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

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1 aggravated sexual abuse in the second degree as defined in section
2 130.67, assault on a peace officer, police officer, firefighter or emer-
3 gency medical services professional as defined in section 120.08,
4 assault on a judge as defined in section 120.09, gang assault in the
5 second degree as defined in section 120.06, strangulation in the first
6 degree as defined in section 121.13, aggravated strangulation as defined
7 in section 121.13-a, burglary in the second degree as defined in section
8 140.25, robbery in the second degree as defined in section 160.10,
9 tampering with a witness in the second degree as defined in section
10 215.12, intimidating a victim or witness in the second degree as defined
11 in section 215.16, criminal possession of a weapon in the second degree
12 as defined in section 265.03, criminal use of a firearm in the second
13 degree as defined in section 265.08, criminal sale of a firearm in the
14 second degree as defined in section 265.12, criminal sale of a firearm
15 with the aid of a minor as defined in section 265.14, aggravated crimi-
16 nal possession of a weapon as defined in section 265.19, soliciting or
17 providing support for an act of terrorism in the first degree as defined
18 in section 490.15, hindering prosecution of terrorism in the second
19 degree as defined in section 490.30, and criminal possession of a chemi-
20 cal weapon or biological weapon in the third degree as defined in
21 section 490.37.

22 (c) Class D violent felony offenses: an attempt to commit any of the
23 class C felonies set forth in paragraph (b); reckless assault of a child
24 as defined in section 120.02, assault in the second degree as defined in
25 section 120.05, menacing a police officer or peace officer as defined in
26 section 120.18, stalking in the first degree, as defined in subdivision
27 one of section 120.60, strangulation in the second degree as defined in
28 section 121.12, rape in the second degree as defined in section 130.30,
29 a crime formerly defined in section 130.45, sexual abuse in the first
30 degree as defined in section 130.65, course of sexual conduct against a
31 child in the second degree as defined in section 130.80, aggravated
32 sexual abuse in the third degree as defined in section 130.66, facili-
33 tating a sex offense with a controlled substance as defined in section
34 130.90, labor trafficking as defined in paragraphs (a) and (b) of subdi-
35 vision three of section 135.35, criminal possession of a weapon in the
36 third degree as defined in subdivision five, six, seven, eight, nine or
37 ten of section 265.02, criminal sale of a firearm in the third degree as
38 defined in section 265.11, tampering with a witness in the third degree
39 as defined in section 215.11, intimidating a victim or witness in the
40 second degree as defined in section 215.16, soliciting or providing
41 support for an act of terrorism in the second degree as defined in
42 section 490.10, and making a terroristic threat as defined in section
43 490.20, falsely reporting an incident in the first degree as defined in
44 section 240.60, placing a false bomb or hazardous substance in the first
45 degree as defined in section 240.62, placing a false bomb or hazardous
46 substance in a sports stadium or arena, mass transportation facility or
47 enclosed shopping mall as defined in section 240.63, aggravated unper-
48 mitted use of indoor pyrotechnics in the first degree as defined in
49 section 405.18, and criminal manufacture, sale, or transport of an unde-
50 tectable firearm, rifle or shotgun as defined in section 265.50.

51 § 6. This act shall take effect immediately.