

STATE OF NEW YORK

8476

2025-2026 Regular Sessions

IN SENATE

August 13, 2025

Introduced by Sen. WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law, in relation to increasing criminal penalties for aggravated harassment of an elected official and criminal trespass of an elected official's residence

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

Section 1. Section 240.33 of the penal law, as added by section 5 of part F of chapter 55 of the laws of 2024, is amended to read as follows:
§ 240.33 Aggravated harassment of a judge or elected official.

A person is guilty of aggravated harassment of a judge or elected official when:

1. With intent to harass another person, the actor either:

(a) communicates, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person the actor knows or reasonably should know is a judge or elected official, or a member of such judge's or elected official's immediate family, and the actor knows or reasonably should know that such communication will cause such judge or elected official to reasonably fear harm to such judge's or elected official's physical safety or property, or to the physical safety or property of a member of such judge's or elected official's immediate family; or

(b) causes a communication to be initiated anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person the actor knows or reasonably should know is a judge or elected official, or a member of such judge's or elected official's immediate family, and the actor knows or reasonably should know that such communi-

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

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1 cation will cause such judge or elected official to reasonably fear harm
2 to such person's physical safety or property, or to the physical safety
3 or property of a member of such judge's or elected official's immediate
4 family; or

5 2. With intent to harass or threaten a person the actor knows or
6 reasonably should know is a judge or elected official or a member of
7 such judge's or elected official's immediate family, the actor makes a
8 telephone call, whether or not a conversation ensues, with no purpose of
9 legitimate communication; or

10 3. With the intent to harass, annoy, threaten or alarm a person the
11 actor knows or reasonably should know is a judge or elected official or
12 a member of such judge's or elected official's immediate family, the
13 actor strikes, shoves, kicks, or otherwise subjects another person to
14 physical contact, or attempts or threatens to do the same because of a
15 belief or perception regarding such person's race, color, national
16 origin, ancestry, gender, gender identity or expression, religion, reli-
17 gious practice, age, disability or sexual orientation, regardless of
18 whether the belief or perception is correct; or

19 4. With the intent to harass, annoy, threaten or alarm a person the
20 actor knows or reasonably should know is a judge or elected official or
21 a member of such judge's or elected official's immediate family, the
22 actor strikes, shoves, kicks or otherwise subjects another person to
23 physical contact thereby causing physical injury to such person or to an
24 immediate family member of such person; or

25 5. The actor commits the crime of harassment in the first degree
26 against a person the actor knows or reasonably should know is a judge or
27 elected official or a member of such judge's or elected official's imme-
28 diate family and has previously been convicted of the crime of harass-
29 ment in the first degree as defined by section 240.25 of this article
30 within the preceding ten years.

31 For purposes of this section: "judge" shall mean a judge of a court of
32 record or a justice court; and "immediate family" shall have the same
33 meaning as defined in section 120.40 of this chapter.

34 Aggravated harassment of a judge or elected official is a class E
35 felony.

36 § 2. Section 140.17 of the penal law, as added by chapter 341 of the
37 laws of 1969, is amended to read as follows:

38 § 140.17[+] Criminal trespass in the first degree.

39 A person is guilty of criminal trespass in the first degree when [~~he~~]
40 such person knowingly enters or remains unlawfully in a building, and
41 when, in the course of committing such crime, [~~he~~] such person:

42 1. Possesses, or knows that another participant in the crime
43 possesses, an explosive or a deadly weapon; or

44 2. Possesses a firearm, rifle or shotgun, as those terms are defined
45 in section 265.00 of this part, and also possesses or has readily acces-
46 sible a quantity of ammunition which is capable of being discharged from
47 such firearm, rifle or shotgun; or

48 3. Knows that another participant in the crime possesses a firearm,
49 rifle or shotgun under circumstances described in subdivision two[+] of
50 this section; or

51 4. Knows that an elected official or such elected official's immediate
52 family resides in such building. For the purposes of this subdivision,
53 "immediate family" shall have the same meaning as defined in section
54 120.40 of this part.

55 Criminal trespass in the first degree is a class D felony.

56 § 3. This act shall take effect immediately.