

# STATE OF NEW YORK

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9149

## IN SENATE

August 15, 2018

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Introduced by Sen. HAMILTON -- 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 including falsely reporting an incident as a specified offense for the purposes of hate crimes

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

1 Section 1. Subdivision 3 of section 485.05 of the penal law, as  
2 amended by chapter 405 of the laws of 2010, is amended to read as  
3 follows:  
4 3. A "specified offense" is an offense defined by any of the following  
5 provisions of this chapter: section 120.00 (assault in the third  
6 degree); section 120.05 (assault in the second degree); section 120.10  
7 (assault in the first degree); section 120.12 (aggravated assault upon a  
8 person less than eleven years old); section 120.13 (menacing in the  
9 first degree); section 120.14 (menacing in the second degree); section  
10 120.15 (menacing in the third degree); section 120.20 (reckless endan-  
11 germent in the second degree); section 120.25 (reckless endangerment in  
12 the first degree); section 121.12 (strangulation in the second degree);  
13 section 121.13 (strangulation in the first degree); subdivision one of  
14 section 125.15 (manslaughter in the second degree); subdivision one, two  
15 or four of section 125.20 (manslaughter in the first degree); section  
16 125.25 (murder in the second degree); section 120.45 (stalking in the  
17 fourth degree); section 120.50 (stalking in the third degree); section  
18 120.55 (stalking in the second degree); section 120.60 (stalking in the  
19 first degree); subdivision one of section 130.35 (rape in the first  
20 degree); subdivision one of section 130.50 (criminal sexual act in the  
21 first degree); subdivision one of section 130.65 (sexual abuse in the  
22 first degree); paragraph (a) of subdivision one of section 130.67  
23 (aggravated sexual abuse in the second degree); paragraph (a) of subdi-  
24 vision one of section 130.70 (aggravated sexual abuse in the first  
25 degree); section 135.05 (unlawful imprisonment in the second degree);  
26 section 135.10 (unlawful imprisonment in the first degree); section  
27 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in  
28 the first degree); section 135.60 (coercion in the second degree);

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

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1 section 135.65 (coercion in the first degree); section 140.10 (criminal  
2 trespass in the third degree); section 140.15 (criminal trespass in the  
3 second degree); section 140.17 (criminal trespass in the first degree);  
4 section 140.20 (burglary in the third degree); section 140.25 (burglary  
5 in the second degree); section 140.30 (burglary in the first degree);  
6 section 145.00 (criminal mischief in the fourth degree); section 145.05  
7 (criminal mischief in the third degree); section 145.10 (criminal  
8 mischief in the second degree); section 145.12 (criminal mischief in the  
9 first degree); section 150.05 (arson in the fourth degree); section  
10 150.10 (arson in the third degree); section 150.15 (arson in the second  
11 degree); section 150.20 (arson in the first degree); section 155.25  
12 (petit larceny); section 155.30 (grand larceny in the fourth degree);  
13 section 155.35 (grand larceny in the third degree); section 155.40  
14 (grand larceny in the second degree); section 155.42 (grand larceny in  
15 the first degree); section 160.05 (robbery in the third degree); section  
16 160.10 (robbery in the second degree); section 160.15 (robbery in the  
17 first degree); section 240.25 (harassment in the first degree); subdivi-  
18 sion one, two or four of section 240.30 (aggravated harassment in the  
19 second degree); section 240.50 (falsely reporting an incident in the  
20 third degree); section 240.55 (falsely reporting an incident in the  
21 second degree); section 240.60 (falsely reporting an incident in the  
22 first degree); or any attempt or conspiracy to commit any of the forego-  
23 ing offenses.

24 § 2. Subdivision 3 of section 485.05 of the penal law, as amended by  
25 section 9 of part NN of chapter 55 of the laws of 2018, is amended to  
26 read as follows:

27 3. A "specified offense" is an offense defined by any of the following  
28 provisions of this chapter: section 120.00 (assault in the third  
29 degree); section 120.05 (assault in the second degree); section 120.10  
30 (assault in the first degree); section 120.12 (aggravated assault upon a  
31 person less than eleven years old); section 120.13 (menacing in the  
32 first degree); section 120.14 (menacing in the second degree); section  
33 120.15 (menacing in the third degree); section 120.20 (reckless endan-  
34 germent in the second degree); section 120.25 (reckless endangerment in  
35 the first degree); section 121.12 (strangulation in the second degree);  
36 section 121.13 (strangulation in the first degree); subdivision one of  
37 section 125.15 (manslaughter in the second degree); subdivision one, two  
38 or four of section 125.20 (manslaughter in the first degree); section  
39 125.25 (murder in the second degree); section 120.45 (stalking in the  
40 fourth degree); section 120.50 (stalking in the third degree); section  
41 120.55 (stalking in the second degree); section 120.60 (stalking in the  
42 first degree); subdivision one of section 130.35 (rape in the first  
43 degree); subdivision one of section 130.50 (criminal sexual act in the  
44 first degree); subdivision one of section 130.65 (sexual abuse in the  
45 first degree); paragraph (a) of subdivision one of section 130.67  
46 (aggravated sexual abuse in the second degree); paragraph (a) of subdivi-  
47 sion one of section 130.70 (aggravated sexual abuse in the first  
48 degree); section 135.05 (unlawful imprisonment in the second degree);  
49 section 135.10 (unlawful imprisonment in the first degree); section  
50 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in  
51 the first degree); section 135.60 (coercion in the third degree);  
52 section 135.61 (coercion in the second degree); section 135.65 (coercion  
53 in the first degree); section 140.10 (criminal trespass in the third  
54 degree); section 140.15 (criminal trespass in the second degree);  
55 section 140.17 (criminal trespass in the first degree); section 140.20  
56 (burglary in the third degree); section 140.25 (burglary in the second

1 degree); section 140.30 (burglary in the first degree); section 145.00  
2 (criminal mischief in the fourth degree); section 145.05 (criminal  
3 mischief in the third degree); section 145.10 (criminal mischief in the  
4 second degree); section 145.12 (criminal mischief in the first degree);  
5 section 150.05 (arson in the fourth degree); section 150.10 (arson in  
6 the third degree); section 150.15 (arson in the second degree); section  
7 150.20 (arson in the first degree); section 155.25 (petit larceny);  
8 section 155.30 (grand larceny in the fourth degree); section 155.35  
9 (grand larceny in the third degree); section 155.40 (grand larceny in  
10 the second degree); section 155.42 (grand larceny in the first degree);  
11 section 160.05 (robbery in the third degree); section 160.10 (robbery in  
12 the second degree); section 160.15 (robbery in the first degree);  
13 section 240.25 (harassment in the first degree); subdivision one, two or  
14 four of section 240.30 (aggravated harassment in the second degree);  
15 section 240.50 (falsely reporting an incident in the third degree);  
16 section 240.55 (falsely reporting an incident in the second degree);  
17 section 240.60 (falsely reporting an incident in the first degree); or  
18 any attempt or conspiracy to commit any of the foregoing offenses.

19 § 3. This act shall take effect on the first of November next succeed-  
20 ing the date upon which it shall have become a law; provided, however,  
21 that if section 9 of part NN of chapter 55 of the laws of 2018 shall not  
22 have taken effect on or before such date, then section two of this act  
23 shall take effect on the same date and in the same manner as such  
24 section of such part of such chapter of the laws of 2018 takes effect.

