

Law File Changes - Hate Crimes Act of 2000

The Hate Crimes Act of 2000 (Chapter 107 of the laws of 2000) was signed into law on July 10, 2000 and took effect on October 8, 2000. This law added a new Article 485 to the Penal Law entitled “Hate Crimes” and provided that a person commits a hate crime when he or she commits a “specified offense” (as defined in the law) and either:

- (a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- (b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

When a person is convicted of a hate crime pursuant to Article 485, the law provides for the level of a hate crime to be deemed one category higher than the specified offense, when that specified offense is a misdemeanor or a class C, D or E felony. When the specified offense is a class B or A-1 felony, the term of sentence is enhanced.

In order to collect data on the occurrence of hate crimes, and to provide for disposition reporting/tracking, a new set of “hate crime” charges was updated to the DCJS law file based on the specified offenses in Article 485. These were not “new” charges, but rather hate crime variations of existing charges, and were denoted with an “H” in the subsection. For example, on the DCJS law file, PL 120.05 sub 01 DF2 is Assault 2nd- With Intent To Cause Serious Physical Injury. The hate crime variation of this offense is PL 120.05 sub 01H CF2, Assault with Intent to Cause Serious Physical Injury / As a Hate Crime.