N.Y. Penal Law § 485.05 Hate crimes.

1. A person commits a hate crime when he or she commits a specified offense 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, gender identity or expression, 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, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

2. Proof of race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

3. A "specified offense" is an offense defined by any of the following provisions of this chapter:

- section 120.00 (assault in the 3rd degree)
- section 120.05 (assault in the 2nd degree)
- section 120.10 (assault in the 1st degree)
- section 120.12 (aggravated assault; person < than 11 years old)
- section 120.13 (menacing in the 1st degree)
- section 120.14 (menacing in the 2nd degree)
- section 120.15 (menacing in the 3rd degree)
- section 120.20 (reckless endangerment in the 2nd degree)
- section 120.25 (reckless endangerment in the 1st degree)
- section 121.12 (strangulation in the 2nd degree)
- section 121.13 (strangulation in the 1st degree)
- subdivision one of section 125.15 (manslaughter in the 2nd degree)
- subdivision 1, 2 or 4 of section 125.20 (manslaughter in the 1st degree)
- section 125.25 (murder in the 2nd degree)
- section 120.45 (stalking in the 4th degree)
- section 120.50 (stalking in the 3rd degree)
- section 120.55 (stalking in the 2nd degree)
- section 120.60 (stalking in the 1st degree)
- section 145.10 (criminal mischief in the 2nd degree)
- subdivision one of section 130.35 (rape in the 1st degree)
- subdivision one of section 130.50 (criminal sexual act in the 1st degree)
- subdivision one of section 130.65 (sexual abuse in the 1st degree)
- section 135.05 (unlawful imprisonment in the 2nd degree)
- section 135.10 (unlawful imprisonment in the 1st degree)
- section 135.20 (kidnapping in the 2nd degree)
- section 135.25 (kidnapping in the 1st degree)
- section 135.60 (coercion in the 3rd degree)
- section 135.61 (coercion in the 2nd degree)
- section 135.65 (coercion in the 1st degree)
- section 140.10 (criminal trespass in the 3rd degree)
- section 140.15 (criminal trespass in the 2nd degree)
- section 140.17 (criminal trespass in the 1st degree)
- section 140.20 (burglary in the 3rd degree)
- section 140.25 (burglary in the 2nd degree)
- section 140.30 (burglary in the 1st degree)
- section 145.00 (criminal mischief in the 4th degree)
- section 145.05 (criminal mischief in the 3rd degree)
- section 145.12 (criminal mischief in the 1st degree)

• paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the 2nd degree)
• paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the 1st degree)
• section 150.05 (arson in the fourth degree)
• section 150.10 (arson in the third degree)
• section 150.15 (arson in the second degree)
• section 150.20 (arson in the first degree)
• section 155.25 (petit larceny)
• section 155.30 (grand larceny in the fourth degree)
• section 155.35 (grand larceny in the third degree)
• section 155.40 (grand larceny in the second degree)
• section 155.42 (grand larceny in the first degree)
• section 160.05 (robbery in the third degree)
• section 160.10 (robbery in the second degree)
• section 160.15 (robbery in the first degree)
• section 240.25 (harassment in the first degree)
• subdivision 1, 2 or 4 of section 240.30 (aggravated harassment in the 2nd degree)
• section 490.10 (soliciting or providing support for an act of terrorism in the 2nd degree)
• section 490.15 (soliciting or providing support for an act of terrorism in the 1st degree)
• section 490.20 (making a terroristic threat)
• section 490.25 (crime of terrorism)
• section 490.30 (hindering prosecution of terrorism in the 2nd degree)
• section 490.35 (hindering prosecution of terrorism in the 1st degree)
• section 490.37 (criminal possession of a chemical weapon or biological weapon in the 3rd degree)
• section 490.40 (criminal possession of a chemical weapon or biological weapon in the 2nd degree)
• section 490.45 (criminal possession of a chemical weapon or biological weapon in the 1st degree)
• section 490.47 (criminal use of a chemical weapon or biological weapon in the 3rd degree)
• section 490.50 (criminal use of a chemical weapon or biological weapon in the 2nd degree)
• section 490.55 (criminal use of a chemical weapon or biological weapon in the 1st degree) ;or any attempt or conspiracy to commit any of the foregoing offenses.

4. For purposes of this section:
(a) the term "age" means sixty years old or more;
(b) the term "disability" means a physical or mental impairment that substantially limits a major life activity;
(c) the term "gender identity or expression" means a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.