

STATE OF NEW YORK

3447

2025-2026 Regular Sessions

IN ASSEMBLY

January 27, 2025

Introduced by M. of A. DURSO -- read once and referred to the Committee on Election Law

AN ACT to amend the election law and the criminal procedure law, in relation to including attempting to register as an elector knowing that they are not qualified due to lack of U.S. citizenship

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

1 Section 1. Section 17-104 of the election law is amended to read as
2 follows:
3 § 17-104. False registration. Any person who:
4 1. Registers or attempts to register as an elector in more than one
5 election district for the same election, or more than once in the same
6 election district; or~~7~~
7 2. Registers or attempts to register as an elector, knowing that ~~he~~
8 they will not be a qualified voter in the district at the election for
9 which such registration is made; or
10 3. Registers or attempts to register as an elector, when they are not
11 qualified due to lack of U.S. citizenship; or
12 4. Registers or attempts to register as an elector under any name but
13 ~~his~~ their own; or
14 ~~4.~~ 5. Knowingly gives a false residence within the election district
15 when registering as an elector; or
16 ~~5.~~ 6. Knowingly permits, aids, assists, abets, procures, commands or
17 advises another to commit any such act, is guilty of a class E felony.
18 § 2. Paragraphs (t) and (u) of subdivision 4 of section 510.10 of the
19 criminal procedure law, paragraph (t) as amended and paragraph (u) as
20 added by section 2 of subpart B of part UU of chapter 56 of the laws of
21 2022, are amended and a new paragraph (v) is added to read as follows:
22 (t) any felony or class A misdemeanor involving harm to an identifi-
23 able person or property, or any charge of criminal possession of a
24 firearm as defined in section 265.01-b of the penal law, where such

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

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1 charge arose from conduct occurring while the defendant was released on
2 [~~his or her~~] **their** own recognizance, released under conditions, or had
3 yet to be arraigned after the issuance of a desk appearance ticket for a
4 separate felony or class A misdemeanor involving harm to an identifiable
5 person or property, or any charge of criminal possession of a firearm as
6 defined in section 265.01-b of the penal law, provided, however, that
7 the prosecutor must show reasonable cause to believe that the defendant
8 committed the instant crime and any underlying crime. For the purposes
9 of this subparagraph, any of the underlying crimes need not be a quali-
10 fying offense as defined in this subdivision. For the purposes of this
11 paragraph, "harm to an identifiable person or property" shall include
12 but not be limited to theft of or damage to property. However, based
13 upon a review of the facts alleged in the accusatory instrument, if the
14 court determines that such theft is negligible and does not appear to be
15 in furtherance of other criminal activity, the principal shall be
16 released on [~~his or her~~] **their** own recognizance or under appropriate
17 non-monetary conditions; [~~or~~]

18 (u) criminal possession of a weapon in the third degree as defined in
19 subdivision three of section 265.02 of the penal law or criminal sale of
20 a firearm to a minor as defined in section 265.16 of the penal law[~~+~~];
21 **or**

22 **(v) a violation of subdivision three of section 17-104 of the election**
23 **law.**

24 § 3. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of
25 section 530.20 of the criminal procedure law, subparagraph (xx) as
26 amended and subparagraph (xxi) as added by section 4 of subpart C of
27 part UU of chapter 56 of the laws of 2022, are amended and a new subpar-
28 agraph (xxii) is added to read as follows:

29 (xx) any felony or class A misdemeanor involving harm to an identifi-
30 able person or property, or any charge of criminal possession of a
31 firearm as defined in section 265.01-b of the penal law where such
32 charge arose from conduct occurring while the defendant was released on
33 [~~his or her~~] **their** own recognizance, released under conditions, or had
34 yet to be arraigned after the issuance of a desk appearance ticket for a
35 separate felony or class A misdemeanor involving harm to an identifiable
36 person or property, provided, however, that the prosecutor must show
37 reasonable cause to believe that the defendant committed the instant
38 crime and any underlying crime. For the purposes of this subparagraph,
39 any of the underlying crimes need not be a qualifying offense as defined
40 in this subdivision. For the purposes of this paragraph, "harm to an
41 identifiable person or property" shall include but not be limited to
42 theft of or damage to property. However, based upon a review of the
43 facts alleged in the accusatory instrument, if the court determines that
44 such theft is negligible and does not appear to be in furtherance of
45 other criminal activity, the principal shall be released on [~~his or her~~]
46 **their** own recognizance or under appropriate non-monetary conditions;
47 [~~or~~]

48 (xxi) criminal possession of a weapon in the third degree as defined
49 in subdivision three of section 265.02 of the penal law or criminal sale
50 of a firearm to a minor as defined in section 265.16 of the penal
51 law[~~+~~]; **or**

52 **(xxii) a violation of subdivision three of section 17-104 of the**
53 **election law.**

54 § 4. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
55 criminal procedure law, paragraph (t) as amended and paragraph (u) as

1 added by section 4 of subpart B of part UU of chapter 56 of the laws of
2 2022, are amended and a new paragraph (v) is added to read as follows:

3 (t) any felony or class A misdemeanor involving harm to an identifi-
4 able person or property, or any charge of criminal possession of a
5 firearm as defined in section 265.01-b of the penal law, where such
6 charge arose from conduct occurring while the defendant was released on
7 [~~his or her~~] their own recognizance, released under conditions, or had
8 yet to be arraigned after the issuance of a desk appearance ticket for a
9 separate felony or class A misdemeanor involving harm to an identifiable
10 person or property, or any charge of criminal possession of a firearm as
11 defined in section 265.01-b of the penal law, provided, however, that
12 the prosecutor must show reasonable cause to believe that the defendant
13 committed the instant crime and any underlying crime. For the purposes
14 of this subparagraph, any of the underlying crimes need not be a quali-
15 fying offense as defined in this subdivision. For the purposes of this
16 paragraph, "harm to an identifiable person or property" shall include
17 but not be limited to theft of or damage to property. However, based
18 upon a review of the facts alleged in the accusatory instrument, if the
19 court determines that such theft is negligible and does not appear to be
20 in furtherance of other criminal activity, the principal shall be
21 released on [~~his or her~~] their own recognizance or under appropriate
22 non-monetary conditions; [~~or~~]

23 (u) criminal possession of a weapon in the third degree as defined in
24 subdivision three of section 265.02 of the penal law or criminal sale of
25 a firearm to a minor as defined in section 265.16 of the penal law[~~;~~];
26 or

27 (v) a violation of subdivision three of section 17-104 of the election
28 law.

29 § 5. This act shall take effect immediately.