

3482

2013-2014 Regular Sessions

I N   S E N A T E

February 4, 2013

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Introduced by Sens. RANZENHOFER, DeFRANCISCO, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to filing false liens against public officers or public employees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 175.35 of the penal law, as amended by chapter 99  
2     of the laws of 1998, is amended to read as follows:  
3     S 175.35 Offering a false instrument for filing in the first degree.  
4     A person is guilty of offering a false instrument for filing in the  
5     first degree when[,]:  
6     1. knowing that a written instrument contains a false statement or  
7     false information, and with intent to defraud the state or any political  
8     subdivision, public authority or public benefit corporation of the  
9     state, he OR SHE offers or presents it to a public office, public serv-  
10    ant, public authority or public benefit corporation with the knowledge  
11    or belief that it will be filed with, registered or recorded in or  
12    otherwise become a part of the records of such public office, public  
13    servant, public authority or public benefit corporation[.]; OR  
14    2. HE OR SHE KNOWINGLY FILES A FALSE LIEN OR ENCUMBRANCE IN A PUBLIC  
15    RECORD OR PRIVATE RECORD THAT IS GENERALLY AVAILABLE TO THE PUBLIC  
16    AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC  
17    EMPLOYEE ON ACCOUNT OF THE PERFORMANCE OF SUCH PUBLIC OFFICER'S OR  
18    PUBLIC EMPLOYEE'S OFFICIAL DUTIES, OR WITH THE INTENT TO HARASS, INTIM-  
19    IDATE OR OTHERWISE ATTEMPT TO AFFECT THE ACTIONS OF THE PUBLIC OFFICIAL  
20    OR PUBLIC EMPLOYEE, KNOWING OR HAVING REASON TO KNOWN THAT SUCH LIEN OR  
21    ENCUMBRANCE IS FALSE OR CONTAINS MATERIALLY FALSE, FICTITIOUS, OR FRAU-  
22    DULENT STATEMENTS OR REPRESENTATIONS.  
23    Offering a false instrument for filing in the first degree is a class  
24    E felony.  
25    S 2. This act shall take effect on the ninetieth day after it shall  
26    have become a law.

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

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