

# STATE OF NEW YORK

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4498

2017-2018 Regular Sessions

## IN ASSEMBLY

February 2, 2017

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Introduced by M. of A. SCHIMMINGER, MAGNARELLI, MONTESANO -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, COOK -- read once and referred 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 490  
2 of the laws of 2013, is amended to read as follows:

3 § 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. (a) he or she commits the crime of offering a false instrument for  
15 filing in the second degree; and

16 (b) such instrument is a financing statement the contents of which are  
17 prescribed by section 9--502 of the uniform commercial code, the collat-  
18 eral asserted to be covered in such statement is the property of a  
19 person who is a state or local officer as defined by section two of the  
20 public officers law or who otherwise is a judge or justice of the  
21 unified court system, such financing statement does not relate to an  
22 actual transaction, and he or she filed such financing statement in  
23 retaliation for the performance of official duties by such person[-]; or

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

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3. he or she knowingly files a false lien or encumbrance in a public record or private record that is generally available to the public against the real or personal property of a public officer or public employee on account of the performance of such public officer's or public employee's official duties, or with the intent to harass, intimidate or otherwise attempt to affect the actions of the public official or public employee, knowing or having reason to know that such lien or encumbrance is false or contains materially false, fictitious, or fraudulent statements or representations.

Offering a false instrument for filing in the first degree is a class E felony.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.