

# STATE OF NEW YORK

7338

## IN SENATE

January 8, 2018

Introduced by Sen. GOLDEN -- 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 falsely reporting an incident

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

1 Section 1. Subdivisions 2 and 3 of section 240.55 of the penal law,  
2 subdivision 2 as amended by chapter 561 of the laws 1999, and subdivi-  
3 sion 3 as added by chapter 301 of the laws of 2001 and as renumbered by  
4 chapter 302 of the laws of 2001, are amended and a new subdivision 4 is  
5 added to read as follows:

6 2. Reports, by word or action, to any official or quasi-official agen-  
7 cy or organization having the function of dealing with emergencies  
8 involving danger to life or property, an alleged occurrence or impending  
9 occurrence of a fire, explosion, or the release of a hazardous substance  
10 which did not in fact occur or does not in fact exist; [~~or~~]

11 3. Knowing the information reported, conveyed or circulated to be  
12 false or baseless and under circumstances in which it is likely public  
13 alarm or inconvenience will result, he or she initiates or circulates a  
14 report or warning of an alleged occurrence or an impending occurrence of  
15 a fire, an explosion, or the release of a hazardous substance upon any  
16 private premises[~~-~~]; or

17 4. Commits the crime of falsely reporting an incident in the third  
18 degree as defined in subdivisions two and three of section 240.50 of  
19 this article and another person suffers physical injury as a result of  
20 the action undertaken by an employee or member of any official or  
21 quasi-official agency or organization having the function of dealing  
22 with emergencies involving danger to life or property; or who is a  
23 volunteer firefighter with a fire department, fire company, or any unit  
24 thereof as defined in the volunteer firefighters' benefit law; or who is  
25 a volunteer ambulance worker with a volunteer ambulance corporation or  
26 any unit thereof as defined in the volunteer ambulance workers' benefit  
27 law in response to such false report.

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

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1 § 2. Section 240.60 of the penal law, as amended by chapter 528 of the  
2 laws of 1995, subdivision 5 as added by chapter 561 of the laws of 1999  
3 and subdivision 6 and the closing paragraph as amended by chapter 301 of  
4 the laws of 2001, is amended to read as follows:

5 § 240.60 Falsely reporting an incident in the first degree.

6 A person is guilty of falsely reporting an incident in the first  
7 degree when he or she:

8 1. commits the crime of falsely reporting an incident in the second  
9 degree as defined in section 240.55 of this article, and has previously  
10 been convicted of that crime; or

11 2. commits the crime of falsely reporting an incident in the third  
12 degree as defined in subdivisions one and two of section 240.50 of this  
13 article or falsely reporting an incident in the second degree as defined  
14 in subdivisions one and two of section 240.55 of this article and another  
15 person who is an employee or member of any official or quasi-official  
16 agency having the function of dealing with emergencies involving danger  
17 to life or property; or who is a volunteer firefighter with a fire  
18 department, fire company, or any unit thereof as defined in the volun-  
19 teer firefighters' benefit law; or who is a volunteer ambulance worker  
20 with a volunteer ambulance corporation or any unit thereof as defined in  
21 the volunteer ambulance workers' benefit law suffers serious physical  
22 injury or is killed in the performance of his or her official duties in  
23 traveling to or working at or returning to a firehouse, police station,  
24 quarters or other base facility from the location identified in such  
25 report; or

26 3. commits the crime of falsely reporting an incident in the third  
27 degree as defined in subdivisions one and two of section 240.50 of this  
28 article or falsely reporting an incident in the second degree as defined  
29 in subdivisions one and two of section 240.55 of this article and another  
30 person suffers serious physical injury or is killed as a result of  
31 any vehicular or other accident involving any emergency vehicle which is  
32 responding to, operating at, or returning from the location identified  
33 in such report.

34 [~~4.~~] An emergency vehicle as referred to in this subdivision [~~three of~~  
35 ~~this section~~] shall include any vehicle operated by any employee or  
36 member of any official or quasi-official agency having the function of  
37 dealing with emergencies involving danger to life or property and shall  
38 include, but not necessarily be limited to, an emergency vehicle which  
39 is operated by a volunteer firefighter with a fire department, fire  
40 company, or any unit thereof as defined in the volunteer firefighters'  
41 benefit law; or by a volunteer ambulance worker with a volunteer ambu-  
42 lance corporation, or any unit thereof as defined in the volunteer ambu-  
43 lance workers' benefit law[~~+~~]; or

44 4. commits the crime of falsely reporting an incident in the third  
45 degree as defined in subdivisions two and three of section 240.50 of  
46 this article and another person suffers serious physical injury or death  
47 as a result of the action undertaken by an employee or member of any  
48 official or quasi-official agency or organization having the function of  
49 dealing with emergencies involving danger to life or property; or who is  
50 a volunteer firefighter with a fire department, fire company, or any  
51 unit thereof as defined in the volunteer firefighters' benefit law; or  
52 who is a volunteer ambulance worker with a volunteer ambulance corpo-  
53 ration or any unit thereof as defined in the volunteer ambulance work-  
54 ers' benefit law in response to such false report; or

55 5. [~~Knowing~~] knowing the information reported, conveyed or circulated  
56 to be false or baseless and under circumstances in which it is likely

1 public alarm or inconvenience will result, [~~he or she~~] initiates or  
2 circulates a report or warning of an alleged occurrence or an impending  
3 occurrence of a fire, an explosion, or the release of a hazardous  
4 substance upon school grounds and it is likely that persons are present  
5 on said grounds[~~.~~]; or  
6 6. [~~Knowing~~] knowing the information reported, conveyed or circulated  
7 to be false or baseless and under circumstances in which it is likely  
8 public alarm or inconvenience will result, [~~he or she~~] initiates or  
9 circulates a report or warning of an alleged occurrence or impending  
10 occurrence of a fire, explosion or the release of a hazardous substance  
11 in or upon a sports stadium or arena, mass transportation facility,  
12 enclosed shopping mall, any public building or any public place, and it  
13 is likely that persons are present. For purposes of this subdivision,  
14 the terms "sports stadium or arena, mass transportation facility or  
15 enclosed shopping mall" shall have their natural meaning and the term  
16 "public building" shall have the meaning set forth in section four  
17 hundred one of the executive law.  
18 Falsely reporting an incident in the first degree is a class D felony.  
19 § 3. This act shall take effect on the first of November next succeed-  
20 ing the date on which it shall have become a law.