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:

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

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

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

4. Commits the crime of falsely reporting an incident in the third degree as defined in subdivisions two and three of section 240.50 of this article and another person suffers physical injury as a result of the action undertaken by an employee or member of any official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property; or who is a volunteer firefighter with a fire department, fire company, or any unit thereof as defined in the volunteer firefighters' benefit law; or who is a volunteer ambulance worker with a volunteer ambulance corporation or any unit thereof as defined in the volunteer ambulance workers' benefit 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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§ 2. Section 240.60 of the penal law, as amended by chapter 528 of the laws of 1995, subdivision 5 as added by chapter 561 of the laws of 1999 and subdivision 6 and the closing paragraph as amended by chapter 301 of the laws of 2001, is amended to read as follows:

§ 240.60 Falsely reporting an incident in the first degree.

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

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

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

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

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

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

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

public alarm or inconvenience will result, [~~he or she~~] initiates or circulates a report or warning of an alleged occurrence or an impending occurrence of a fire, an explosion, or the release of a hazardous substance upon school grounds and it is likely that persons are present on said grounds[~~,~~]**; or**

6. [~~Knowing~~] **knowing** the information reported, conveyed or circulated to be false or baseless and under circumstances in which it is likely public alarm or inconvenience will result, [~~he or she~~] initiates or circulates a report or warning of an alleged occurrence or impending occurrence of a fire, explosion or the release of a hazardous substance in or upon a sports stadium or arena, mass transportation facility, enclosed shopping mall, any public building or any public place, and it is likely that persons are present. For purposes of this subdivision, the terms "sports stadium or arena, mass transportation facility or enclosed shopping mall" shall have their natural meaning and the term "public building" shall have the meaning set forth in section four hundred one of the executive law.

Falsely reporting an incident in the first degree is a class D felony.

§ 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.