

STATE OF NEW YORK

9625

IN ASSEMBLY

January 28, 2020

Introduced by M. of A. LiPETRI -- 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 he or she is 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 will not be a qualified voter in the district at the election for which
9 such registration is made; or
10 3. Registers or attempts to register as an elector, when he or she is
11 not 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 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 (h) and (i) of subdivision 4 of section 510.10 of the
19 criminal procedure law, as added by section 2 of part JJJ of chapter 59
20 of the laws of 2019, are amended to read as follows:
21 (h) criminal contempt in the second degree as defined in subdivision
22 three of section 215.50 of the penal law, criminal contempt in the first
23 degree as defined in subdivision (b), (c) or (d) of section 215.51 of
24 the penal law or aggravated criminal contempt as defined in section
25 215.52 of the penal law, and the underlying allegation of such charge of
26 criminal contempt in the second degree, criminal contempt in the first
27 degree or aggravated criminal contempt is that the defendant violated a

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

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1 duly served order of protection where the protected party is a member of
2 the defendant's same family or household as defined in subdivision one
3 of section 530.11 of this ~~article~~ title; ~~[or]~~

4 (i) facilitating a sexual performance by a child with a controlled
5 substance or alcohol as defined in section 263.30 of the penal law, use
6 of a child in a sexual performance as defined in section 263.05 of the
7 penal law or luring a child as defined in subdivision one of section
8 120.70 of the penal law; or

9 (j) a violation of subdivision three of section 17-104 of the election
10 law.

11 § 3. Subparagraphs (viii) and (ix) of paragraph (b) of subdivision 1
12 of section 530.20 of the criminal procedure law, as added by section 16
13 of part JJJ of chapter 59 of the laws of 2019, are amended to read as
14 follows:

15 (viii) criminal contempt in the second degree as defined in subdivi-
16 sion three of section 215.50 of the penal law, criminal contempt in the
17 first degree as defined in subdivision (b), (c) or (d) of section 215.51
18 of the penal law or aggravated criminal contempt as defined in section
19 215.52 of the penal law, and the underlying allegation of such charge of
20 criminal contempt in the second degree, criminal contempt in the first
21 degree or aggravated criminal contempt is that the defendant violated a
22 duly served order of protection where the protected party is a member of
23 the defendant's same family or household as defined in subdivision one
24 of section 530.11 of this article; ~~[or]~~

25 (ix) facilitating a sexual performance by a child with a controlled
26 substance or alcohol as defined in section 263.30 of the penal law, use
27 of a child in a sexual performance as defined in section 263.05 of the
28 penal law or luring a child as defined in subdivision one of section
29 120.70 of the penal law; or

30 (x) a violation of subdivision three of section 17-104 of the election
31 law.

32 § 4. Paragraphs (h) and (i) of subdivision 4 of section 530.40 of the
33 criminal procedure law, as added by section 18 of part JJJ of chapter 59
34 of the laws of 2019, are amended to read as follows:

35 (h) criminal contempt in the second degree as defined in subdivision
36 three of section 215.50 of the penal law, criminal contempt in the first
37 degree as defined in subdivision (b), (c) or (d) of section 215.51 of
38 the penal law or aggravated criminal contempt as defined in section
39 215.52 of the penal law, and the underlying allegation of such charge of
40 criminal contempt in the second degree, criminal contempt in the first
41 degree or aggravated criminal contempt is that the defendant violated a
42 duly served order of protection where the protected party is a member of
43 the defendant's same family or household as defined in subdivision one
44 of section 530.11 of this article; ~~[or]~~

45 (i) facilitating a sexual performance by a child with a controlled
46 substance or alcohol as defined in section 263.30 of the penal law, use
47 of a child in a sexual performance as defined in section 263.05 of the
48 penal law or luring a child as defined in subdivision one of section
49 120.70 of the penal law; or

50 (j) a violation of subdivision three of section 17-104 of the election
51 law.

52 § 5. This act shall take effect immediately.