

STATE OF NEW YORK

2371--B

2019-2020 Regular Sessions

IN SENATE

January 24, 2019

Introduced by Sens. KAMINSKY, BROOKS, GAUGHRAN, GOUNARDES, KENNEDY, MYRIE, RIVERA, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to making false statements to district attorneys, assistant district attorneys or district attorney investigators in this state

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

Section 1. The penal law is amended by adding a new section 195.25 to read as follows:

§ 195.25 Making a false statement to a district attorney, assistant district attorney or district attorney investigator.

1. A person is guilty of making a false statement to a district attorney, assistant district attorney or district attorney investigator when, in communicating with any district attorney, assistant district attorney or district attorney investigator of any county of this state who is investigating a qualifying crime or alleged qualifying crime, and where the district attorney, assistant district attorney or district attorney investigator has previously recorded or otherwise documented the office's intent to investigate the case as a qualifying crime or alleged qualifying crime, he or she is warned by such district attorney, assistant district attorney or district attorney investigator that false statements are subject to criminal penalties, and he or she knowingly and willfully:

(a) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(b) makes any materially false, fictitious, or fraudulent statement or representation; or

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

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1 (c) makes or uses any false writing or document knowing the same to
2 contain any materially false, fictitious, or fraudulent statement or
3 entry.

4 2. For the purposes of this section, a "qualifying crime" is defined
5 to mean grand larceny in the second degree as defined in section 155.40,
6 grand larceny in the first degree as defined in section 155.42, computer
7 tampering in the first degree as defined in section 156.27, criminal
8 possession of stolen property in the second degree as defined in section
9 165.52, criminal possession of stolen property in the first degree as
10 defined in section 165.54, trademark counterfeiting in the first degree
11 as defined in section 165.73, forgery in the first degree as defined in
12 section 170.15, criminal possession of a forged instrument in the first
13 degree as defined in section 170.30, falsifying business records in the
14 second degree as defined in section 175.05, falsifying business records
15 in the first degree as defined in section 175.10, tampering with public
16 records in the first degree as defined in section 175.25, issuing a
17 false financial statement as defined in section 175.45, insurance fraud
18 in the second degree as defined in section 176.25, insurance fraud in
19 the first degree as defined in section 176.30, aggravated insurance
20 fraud as defined in section 176.35, life settlement fraud in the second
21 degree as defined in section 176.60, life settlement fraud in the first
22 degree as defined in section 176.65, aggravated life settlement fraud as
23 defined in section 176.70, residential mortgage fraud in the second
24 degree as defined in section 187.20, residential mortgage fraud in the
25 first degree as defined in section 187.25, misconduct by corporate offi-
26 cial as defined in section 190.35, criminal usury in the second degree
27 as defined in section 190.40, criminal usury in the first degree as
28 defined by section 190.42, unlawful collection practices as defined in
29 section 190.50, making a false statement of credit terms as defined in
30 section 190.55 and official misconduct as defined in section 195.00, as
31 well as any violation of article one hundred eighty or two hundred of
32 this chapter.

33 Making a false statement to a district attorney, assistant district
34 attorney or district attorney investigator is a class E felony.

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