

STATE OF NEW YORK

6480

2019-2020 Regular Sessions

IN ASSEMBLY

March 7, 2019

Introduced by M. of A. BUCHWALD -- read once and referred to the Committee on Codes

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:

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

3 § 195.25 Making a false statement to a district attorney or district
4 attorney investigator.

5 1. A person is guilty of making a false statement to a district attor-
6 ney or district attorney investigator when, in communicating with any
7 district attorney, assistant district attorney or district attorney
8 investigator of any county of this state who is investigating a qualify-
9 ing crime or alleged qualifying crime, and where the district attorney,
10 assistant district attorney or district attorney investigator has previ-
11 ously recorded or otherwise documented the office's intent to investi-
12 gate the case as a qualifying crime or alleged qualifying crime, he or
13 she is warned by such district attorney, assistant district attorney or
14 district attorney investigator that false statements are subject to
15 criminal penalties, and he or she knowingly and willfully:

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

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

20 (c) makes or uses any false writing or document knowing the same to
21 contain any materially false, fictitious, or fraudulent statement or
22 entry.

23 2. For the purposes of this section, a "qualifying crime" is defined
24 to mean grand larceny in the second degree as defined in section 155.40,

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

LBD03410-02-9

1 grand larceny in the first degree as defined in section 155.42, computer
2 tampering in the first degree as defined in section 156.27, welfare
3 fraud in the second degree as defined in section 158.20, welfare fraud
4 in the first degree as defined in section 158.25, criminal possession of
5 public benefit cards in the first degree as defined in section 158.50,
6 criminal possession of stolen property in the second degree as defined
7 in section 165.52, criminal possession of stolen property in the first
8 degree as defined in section 165.54, trademark counterfeiting in the
9 first degree as defined in section 165.73, forgery in the first degree
10 as defined in section 170.15, criminal possession of a forged instrument
11 in the first degree as defined in section 170.30, falsifying business
12 records in the second degree as defined in section 175.05, falsifying
13 business records in the first degree as defined in section 175.10,
14 tampering with public records in the first degree as defined in section
15 175.25, issuing a false financial statement as defined in section
16 175.45, misconduct by corporate official as defined in section 190.35,
17 criminal usury in the second degree as defined in section 190.40, crimi-
18 nal usury in the first degree as defined by section 190.42, unlawf-
19 collection practices as defined in section 190.50, making a false state-
20 ment of credit terms as defined in section 190.55, scheme to defraud in
21 the second degree as defined in section 190.60, scheme to defraud in the
22 first degree as defined in section 190.65, identity theft in the first
23 degree as defined in section 190.80, aggravated identity theft as
24 defined in section 190.80-a and official misconduct as defined in
25 section 195.00, as well as any violation of article one hundred seven-
26 ty-six, one hundred seventy-seven, one hundred eighty, one hundred
27 eighty-five, one hundred eighty-seven or two hundred of this chapter.

28 Making a false statement to a district attorney or district attorney
29 investigator is a class E felony.

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