

# 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.