

STATE OF NEW YORK

2371--A

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

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

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

LBD03410-03-9

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, welfare
8 fraud in the second degree as defined in section 158.20, welfare fraud
9 in the first degree as defined in section 158.25, criminal possession of
10 public benefit cards in the first degree as defined in section 158.50,
11 criminal possession of stolen property in the second degree as defined
12 in section 165.52, criminal possession of stolen property in the first
13 degree as defined in section 165.54, trademark counterfeiting in the
14 first degree as defined in section 165.73, forgery in the first degree
15 as defined in section 170.15, criminal possession of a forged instrument
16 in the first degree as defined in section 170.30, falsifying business
17 records in the second degree as defined in section 175.05, falsifying
18 business records in the first degree as defined in section 175.10,
19 tampering with public records in the first degree as defined in section
20 175.25, issuing a false financial statement as defined in section
21 175.45, insurance fraud in the second degree as defined in section
22 176.25, insurance fraud in the first degree as defined in section
23 176.30, aggravated insurance fraud as defined in section 176.35, life
24 settlement fraud in the second degree as defined in section 176.60, life
25 settlement fraud in the first degree as defined in section 176.65,
26 aggravated life settlement fraud as defined in section 176.70, health
27 care fraud in the second degree as defined in section 177.20, health
28 care fraud in the first degree as defined in section 177.25, residential
29 mortgage fraud in the second degree as defined in section 187.20, resi-
30 dential mortgage fraud in the first degree as defined in section 187.25,
31 misconduct by corporate official as defined in section 190.35, criminal
32 usury in the second degree as defined in section 190.40, criminal usury
33 in the first degree as defined by section 190.42, unlawful collection
34 practices as defined in section 190.50, making a false statement of
35 credit terms as defined in section 190.55 and official misconduct as
36 defined in section 195.00, as well as any violation of article one
37 hundred eighty or two hundred of this chapter.

38 Making a false statement to a district attorney or district attorney
39 investigator is a class E felony.

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