

STATE OF NEW YORK

4258

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. DURSO -- 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 or
8 she will not be a qualified voter in the district at the election for
9 which 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 or her 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 (s) and (t) of subdivision 4 of section 510.10 of the
19 criminal procedure law, as added by section 2 of part UU of chapter 56
20 of the laws of 2020, are amended to read as follows:
21 (s) a felony, where the defendant qualifies for sentencing on such
22 charge as a persistent felony offender pursuant to section 70.10 of the
23 penal law; ~~[ex]~~

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

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1 (t) any felony or class A misdemeanor involving harm to an identifi-
 2 able person or property, where such charge arose from conduct occurring
 3 while the defendant was released on his or her own recognizance or
 4 released under conditions for a separate felony or class A misdemeanor
 5 involving harm to an identifiable person or property, provided, however,
 6 that the prosecutor must show reasonable cause to believe that the
 7 defendant committed the instant crime and any underlying crime. For the
 8 purposes of this subparagraph, any of the underlying crimes need not be
 9 a qualifying offense as defined in this subdivision; or

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

12 § 3. Subparagraphs (xix) and (xx) of paragraph (b) of subdivision 1 of
 13 section 530.20 of the criminal procedure law, as amended by section 3 of
 14 part UU of chapter 56 of the laws of 2020, are amended to read as
 15 follows:

16 (xix) a felony, where the defendant qualifies for sentencing on such
 17 charge as a persistent felony offender pursuant to section 70.10 of the
 18 penal law; [~~or~~]

19 (xx) any felony or class A misdemeanor involving harm to an identifi-
 20 able person or property, where such charge arose from conduct occurring
 21 while the defendant was released on his or her own recognizance or
 22 released under conditions for a separate felony or class A misdemeanor
 23 involving harm to an identifiable person or property, provided, however,
 24 that the prosecutor must show reasonable cause to believe that the
 25 defendant committed the instant crime and any underlying crime. For the
 26 purposes of this subparagraph, any of the underlying crimes need not be
 27 a qualifying offense as defined in this subdivision; or

28 (xxi) a violation of subdivision three of section 17-104 of the
 29 election law.

30 § 4. Paragraphs (s) and (t) of subdivision 4 of section 530.40 of the
 31 criminal procedure law, as added by section 4 of part UU of chapter 56
 32 of the laws of 2020, are amended to read as follows:

33 (s) a felony, where the defendant qualifies for sentencing on such
 34 charge as a persistent felony offender pursuant to section 70.10 of the
 35 penal law; [~~or~~]

36 (t) any felony or class A misdemeanor involving harm to an identifi-
 37 able person or property, where such charge arose from conduct occurring
 38 while the defendant was released on his or her own recognizance or
 39 released under conditions for a separate felony or class A misdemeanor
 40 involving harm to an identifiable person or property, provided, however,
 41 that the prosecutor must show reasonable cause to believe that the
 42 defendant committed the instant crime and any underlying crime. For the
 43 purposes of this subparagraph, any of the underlying crimes need not be
 44 a qualifying offense as defined in this subdivision; or

45 (u) a violation of subdivision three of section 17-104 of the election
 46 law.

47 § 5. This act shall take effect immediately.