

STATE OF NEW YORK

4987

2021-2022 Regular Sessions

IN ASSEMBLY

February 10, 2021

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

AN ACT to amend the penal law and the civil rights law, in relation to creating the crime of aggravated offering of a false accusation against a police officer and creating a private right of action

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 240.64 to
2 read as follows:

3 § 240.64 Aggravated offering of a false accusation against a police
4 officer or peace officer.

5 A person is guilty of aggravated offering of a false accusation
6 against a police officer or peace officer when, knowing the information
7 reported to be false or baseless, he or she reports, by word or action,
8 to a law enforcement officer or agency, wrongdoing by a police officer
9 or peace officer in the performance of his or her duties. Under this
10 section, police officer and peace officer are as defined under section
11 1.20 of the criminal procedure law.

12 Aggravated offering of a false accusation against a police officer or
13 peace officer is class D felony.

14 § 2. The civil rights law is amended by adding a new section 50-g to
15 read as follows:

16 § 50-g. Private right of action; false accusation. A police officer
17 or peace officer, or his or her representative, may bring an action to
18 recover damages suffered by reason of a false accusation against such
19 police officer or peace officer in violation of section 240.64 of the
20 penal law. In any action brought under this section, the court may award
21 reasonable attorney's fees to a prevailing plaintiff.

22 § 3. This act shall take effect immediately.

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

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