STATE OF NEW YORK

390

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed 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:

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

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

1. A person is guilty of making a false statement to a district attorney or district attorney investigator when, in communicating with any district attorney, assistant district attorney or district attorney investigator of any county of this state who is investigating a qualifying crime or alleged qualifying crime, and where the district attorney, assistant district attorney or district attorney investigator has previously recorded or otherwise documented the office's intent to investigate the case as a qualifying crime or alleged qualifying crime, he or she is warned by such district attorney, assistant district attorney or district attorney investigator that false statements are subject to criminal penalties, and he or she knowingly and willfully:

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

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

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

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

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2. For the purposes of this section, a "qualifying crime" is defined to mean grand larceny in the second degree as defined in section 155.40, grand larceny in the first degree as defined in section 155.42, computer tampering in the first degree as defined in section 156.27, welfare fraud in the second degree as defined in section 158.20, welfare fraud in the first degree as defined in section 158.25, criminal possession of public benefit cards in the first degree as defined in section 158.50, criminal possession of stolen property in the second degree as defined in section 165.52, criminal possession of stolen property in the first degree as defined in section 165.54, trademark counterfeiting in the first degree as defined in section 165.73, forgery in the first degree as defined in section 170.15, criminal possession of a forged instrument in the first degree as defined in section 170.30, falsifying business records in the second degree as defined in section 175.05, falsifying business records in the first degree as defined in section 175.10, tampering with public records in the first degree as defined in section 175.25, issuing a false financial statement as defined in section 175.45, insurance fraud in the second degree as defined in section 176.25, insurance fraud in the first degree as defined in section 176.30, aggravated insurance fraud as defined in section 176.35, life settlement fraud in the second degree as defined in section 176.60, life settlement fraud in the first degree as defined in section 176.65, aggravated life settlement fraud as defined in section 176.70, health care fraud in the second degree as defined in section 177.20, health care fraud in the first degree as defined in section 177.25, residential mortgage fraud in the second degree as defined in section 187.20, residential mortgage fraud in the first degree as defined in section 187.25, misconduct by corporate official as defined in section 190.35, criminal usury in the second degree as defined in section 190.40, criminal usury in the first degree as defined by section 190.42, unlawful collection practices as defined in section 190.50, making a false statement of credit terms as defined in section 190.55 and official misconduct as defined in section 195.00, as well as any violation of article one hundred eighty or two hundred of this chapter.

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

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