

# STATE OF NEW YORK

3781

2021-2022 Regular Sessions

## IN ASSEMBLY

January 28, 2021

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

AN ACT to amend the penal law, in relation to establishing the crimes of aggravated falsely reporting an incident in the first, second and third degrees; and to amend the criminal procedure law, in relation to the arrest of persons believed to have committed aggravated falsely reporting an incident

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 three new sections  
2 240.80, 240.81, and 240.82 to read as follows:

3 § 240.80 Aggravated falsely reporting an incident in the third degree.

4 A person is guilty of aggravated falsely reporting an incident in the  
5 third degree when with intent to harass, annoy, threaten or alarm another  
6 person, because of a belief or perception regarding a person's race,  
7 color, national origin, or ancestry, regardless of whether the belief or  
8 perception is correct, he or she commits the crime of falsely reporting  
9 an incident in the third degree pursuant to section 240.50 of this arti-  
10 cle.

11 Aggravated falsely reporting an incident in the third degree is a  
12 class E felony.

13 § 240.81 Aggravated falsely reporting an incident in the second degree.

14 A person is guilty of aggravated falsely reporting an incident in the  
15 second degree when with intent to harass, annoy, threaten or alarm  
16 another person, because of a belief or perception regarding a person's  
17 race, color, national origin, or ancestry, regardless of whether the  
18 belief or perception is correct, he or she commits the crime of falsely  
19 reporting an incident in the second degree pursuant to section 240.55 of  
20 this article.

21 Aggravated falsely reporting an incident in the second degree is a  
22 class D felony.

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

LBD08011-01-1

1 § 240.82 Aggravated falsely reporting an incident in the first degree.

2 A person is guilty of aggravated falsely reporting an incident in the  
3 first degree when with intent to harass, annoy, threaten or alarm another  
4 person, because of a belief or perception regarding a person's race,  
5 color, national origin, or ancestry, regardless of whether the belief or  
6 perception is correct, he or she commits the crime of falsely reporting  
7 an incident in the first degree pursuant to section 240.60 of this arti-  
8 cle.

9 Aggravated falsely reporting an incident in the first degree is a  
10 class C felony.

11 § 2. Section 140.10 of the criminal procedure law is amended by adding  
12 a new subdivision 7 to read as follows:

13 7. Notwithstanding any other provisions of this section, a police  
14 officer shall arrest a person, and shall not attempt to reconcile the  
15 parties or mediate, where such officer has reasonable cause to believe  
16 that a felony constituting falsely reporting an incident in the third  
17 degree pursuant to section 240.50 of the penal law, falsely reporting an  
18 incident in the second degree pursuant to section 240.55 of the penal  
19 law, falsely reporting an incident in the first degree pursuant to  
20 section 240.60 of the penal law, aggravated falsely reporting an inci-  
21 dent in the third degree pursuant to section 240.80 of the penal law,  
22 aggravated falsely reporting an incident in the second degree pursuant  
23 to section 240.81 of the penal law, or aggravated falsely reporting an  
24 incident in the first degree pursuant to section 240.82 of the penal law  
25 has been committed by such person.

26 § 3. This act shall take effect immediately.