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:

Section 1. The penal law is amended by adding three new sections 240.80, 240.81, and 240.82 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

7. Notwithstanding any other provisions of this section, a police officer shall arrest a person, and shall not attempt to reconcile the parties or mediate, where such officer has reasonable cause to believe that a felony constituting falsely reporting an incident in the third degree pursuant to section 240.50 of the penal law, falsely reporting an incident in the second degree pursuant to section 240.55 of the penal law, falsely reporting an incident in the first degree pursuant to section 240.60 of the penal law, aggravated falsely reporting an incident in the third degree pursuant to section 240.80 of the penal law, aggravated falsely reporting an incident in the second degree pursuant to section 240.81 of the penal law, or aggravated falsely reporting an incident in the first degree pursuant to section 240.82 of the penal law has been committed by such person.

§ 3. This act shall take effect immediately.