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:

Section 1. Section 17-104 of the election law is amended to read as follows:

§ 17-104. False registration. Any person who:

1. Registers or attempts to register as an elector in more than one election district for the same election, or more than once in the same election district; or[~~,~~]

2. Registers or attempts to register as an elector, knowing that he **or she** will not be a qualified voter in the district at the election for which such registration is made; or

3. **Registers or attempts to register as an elector, when he or she is not qualified due to lack of U.S. citizenship; or**

4. Registers or attempts to register as an elector under any name but his **or her** own; or

[~~4.~~] **5.** Knowingly gives a false residence within the election district when registering as an elector; or

[~~5.~~] **6.** Knowingly permits, aids, assists, abets, procures, commands or advises another to commit any such act, is guilty of a **class E** felony.

§ 2. Paragraphs (s) and (t) of subdivision 4 of section 510.10 of the criminal procedure law, as added by section 2 of part UU of chapter 56 of the laws of 2020, are amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

§ 5. This act shall take effect immediately.