

STATE OF NEW YORK

3465

2021-2022 Regular Sessions

IN SENATE

January 29, 2021

Introduced by Sens. GALLIVAN, AKSHAR, BORRELLO, BOYLE, GRIFFO, HELMING, JORDAN, LANZA, MARTUCCI, MATTERA, OBERACKER, O'MARA, ORTT, PALUMBO, RATH, RITCHIE, SERINO, STEC, TEDISCO, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the criminal procedure law, in relation to creating the crime of aggravated offering of a false accusation against a police officer

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, the wrongdoing by a police offi-
9 cer or peace officer in the performance of his or her duties. Under
10 this section, police officer and peace officer are as defined under
11 section 1.20 of the criminal procedure law.

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

14 § 2. Paragraphs (s) and (t) of subdivision 4 of section 510.10 of the
15 criminal procedure law, as added by section 2 of part UU of chapter 56
16 of the laws of 2020, are amended and a new paragraph (u) is added to
17 read as follows:

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

21 (t) any felony or class A misdemeanor involving harm to an identi-
22 fied person or property, where such charge arose from conduct occurring

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

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1 while the defendant was released on his or her own recognizance or
2 released under conditions for a separate felony or class A misdemeanor
3 involving harm to an identifiable person or property, provided, however,
4 that the prosecutor must show reasonable cause to believe that the
5 defendant committed the instant crime and any underlying crime. For the
6 purposes of this subparagraph, any of the underlying crimes need not be
7 a qualifying offense as defined in this subdivision[~~+~~]; or

8 (u) aggravated offering of a false accusation against a police officer
9 or peace officer as defined in section 240.64 of the penal law.

10 § 3. Subparagraphs (xix) and (xx) of paragraph (b) of subdivision 1 of
11 section 530.20 of the criminal procedure law, as amended by section 3 of
12 part UU of chapter 56 of the laws of 2020, are amended and a new subpar-
13 agraph (xxi) is added to read as follows:

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

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

26 (xxi) aggravated offering of a false accusation against a police offi-
27 cer or peace officer as defined in section 240.64 of the penal law.

28 § 4. Paragraphs (s) and (t) of subdivision 4 of section 530.40 of the
29 criminal procedure law, as added by section 4 of part UU of chapter 56
30 of the laws of 2020, are amended and a new paragraph (u) is added to
31 read as follows:

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

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

44 (u) aggravated offering of a false accusation against a police officer
45 or peace officer as defined in section 240.64 of the penal law.

46 § 5. This act shall take effect on the thirtieth day after it shall
47 have become a law.