

# STATE OF NEW YORK

3641--A

2023-2024 Regular Sessions

## IN ASSEMBLY

February 3, 2023

Introduced by M. of A. RAMOS, LEVENBERG, GIBBS, CUNNINGHAM, ZINERMAN, HEVESI -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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; to amend the criminal procedure law, in relation to the arrest of persons believed to have committed aggravated falsely reporting an incident; to amend the penal law and the civil rights law, in relation to including falsely reporting an incident as a hate crime; to amend the executive law, in relation to establishing databases of law enforcement officers and persons who have been convicted of falsely reporting an incident; and to amend the criminal procedure law, in relation to notifying persons of the termination of certain criminal actions or proceedings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "universal stop false police reporting act".

3 § 2. The penal law is amended by adding three new sections 240.80,  
4 240.81 and 240.82 to read as follows:

5 § 240.80 Aggravated falsely reporting an incident in the third degree.

6 A person is guilty of aggravated falsely reporting an incident in the  
7 third degree when with intent to harass, annoy, threaten or alarm anoth-  
8 er person, because of a belief or perception regarding a person's race,  
9 color, national origin, ancestry, religion, gender, disability, sexual  
10 orientation, gender identity or expression, or ethnicity regardless of  
11 whether the belief or perception is correct, such person commits the  
12 crime of falsely reporting an incident in the third degree pursuant to

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

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1 section 240.50 of this article. For the purposes of this section, the  
2 term "person" shall be deemed to include a law enforcement officer.

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

5 § 240.81 Aggravated falsely reporting an incident in the second degree.

6 A person is guilty of aggravated falsely reporting an incident in the  
7 second degree when with intent to harass, annoy, threaten or alarm  
8 another person, because of a belief or perception regarding a person's  
9 race, color, national origin, ancestry, religion, gender, disability,  
10 sexual orientation, gender identity or expression, or ethnicity regard-  
11 less of whether the belief or perception is correct, such person commits  
12 the crime of falsely reporting an incident in the second degree pursuant  
13 to section 240.55 of this article. For the purposes of this section, the  
14 term "person" shall be deemed to include a law enforcement officer.

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

17 § 240.82 Aggravated falsely reporting an incident in the first degree.

18 A person is guilty of aggravated falsely reporting an incident in the  
19 first degree when with intent to harass, annoy, threaten or alarm anoth-  
20 er person, because of a belief or perception regarding a person's race,  
21 color, national origin, ancestry, religion, gender, disability, sexual  
22 orientation, gender identity or expression, or ethnicity regardless of  
23 whether the belief or perception is correct, such person commits the  
24 crime of falsely reporting an incident in the first degree pursuant to  
25 section 240.60 of this article. For the purposes of this section, the  
26 term "person" shall be deemed to include a law enforcement officer.

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

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

31 7. Notwithstanding any other provisions of this section, a police  
32 officer shall arrest a person, and shall not attempt to reconcile the  
33 parties or mediate, where such officer has reasonable cause to believe  
34 that a felony constituting falsely reporting an incident in the third  
35 degree pursuant to section 240.50 of the penal law, falsely reporting an  
36 incident in the second degree pursuant to section 240.55 of the penal  
37 law, falsely reporting an incident in the first degree pursuant to  
38 section 240.60 of the penal law, aggravated falsely reporting an inci-  
39 dent in the third degree pursuant to section 240.80 of the penal law,  
40 aggravated falsely reporting an incident in the second degree pursuant  
41 to section 240.81 of the penal law, or aggravated falsely reporting an  
42 incident in the first degree pursuant to section 240.82 of the penal law  
43 has been committed by such person.

44 § 4. Subdivision 3 of section 485.05 of the penal law, as amended by  
45 section 3 of part R of chapter 55 of the laws of 2020, is amended to  
46 read as follows:

47 3. A "specified offense" is an offense defined by any of the following  
48 provisions of this chapter: section 120.00 (assault in the third  
49 degree); section 120.05 (assault in the second degree); section 120.10  
50 (assault in the first degree); section 120.12 (aggravated assault upon a  
51 person less than eleven years old); section 120.13 (menacing in the  
52 first degree); section 120.14 (menacing in the second degree); section  
53 120.15 (menacing in the third degree); section 120.20 (reckless endan-  
54 germent in the second degree); section 120.25 (reckless endangerment in  
55 the first degree); section 121.12 (strangulation in the second degree);  
56 section 121.13 (strangulation in the first degree); subdivision one of

1 section 125.15 (manslaughter in the second degree); subdivision one, two  
2 or four of section 125.20 (manslaughter in the first degree); section  
3 125.25 (murder in the second degree); section 120.45 (stalking in the  
4 fourth degree); section 120.50 (stalking in the third degree); section  
5 120.55 (stalking in the second degree); section 120.60 (stalking in the  
6 first degree); subdivision one of section 130.35 (rape in the first  
7 degree); subdivision one of section 130.50 (criminal sexual act in the  
8 first degree); subdivision one of section 130.65 (sexual abuse in the  
9 first degree); paragraph (a) of subdivision one of section 130.67  
10 (aggravated sexual abuse in the second degree); paragraph (a) of subdi-  
11 vision one of section 130.70 (aggravated sexual abuse in the first  
12 degree); section 135.05 (unlawful imprisonment in the second degree);  
13 section 135.10 (unlawful imprisonment in the first degree); section  
14 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in  
15 the first degree); section 135.60 (coercion in the third degree);  
16 section 135.61 (coercion in the second degree); section 135.65 (coercion  
17 in the first degree); section 140.10 (criminal trespass in the third  
18 degree); section 140.15 (criminal trespass in the second degree);  
19 section 140.17 (criminal trespass in the first degree); section 140.20  
20 (burglary in the third degree); section 140.25 (burglary in the second  
21 degree); section 140.30 (burglary in the first degree); section 145.00  
22 (criminal mischief in the fourth degree); section 145.05 (criminal  
23 mischief in the third degree); section 145.10 (criminal mischief in the  
24 second degree); section 145.12 (criminal mischief in the first degree);  
25 section 150.05 (arson in the fourth degree); section 150.10 (arson in  
26 the third degree); section 150.15 (arson in the second degree); section  
27 150.20 (arson in the first degree); section 155.25 (petit larceny);  
28 section 155.30 (grand larceny in the fourth degree); section 155.35  
29 (grand larceny in the third degree); section 155.40 (grand larceny in  
30 the second degree); section 155.42 (grand larceny in the first degree);  
31 section 160.05 (robbery in the third degree); section 160.10 (robbery in  
32 the second degree); section 160.15 (robbery in the first degree);  
33 section 240.25 (harassment in the first degree); subdivision one, two or  
34 four of section 240.30 (aggravated harassment in the second degree);  
35 section 240.80 (aggravated falsely reporting an incident in the third  
36 degree); section 240.81 (aggravated falsely reporting an incident in the  
37 second degree); section 240.82 (aggravated falsely reporting an incident  
38 in the first degree); section 490.10 (soliciting or providing support  
39 for an act of terrorism in the second degree); section 490.15 (solicit-  
40 ing or providing support for an act of terrorism in the first degree);  
41 section 490.20 (making a terroristic threat); section 490.25 (crime of  
42 terrorism); section 490.30 (hindering prosecution of terrorism in the  
43 second degree); section 490.35 (hindering prosecution of terrorism in  
44 the first degree); section 490.37 (criminal possession of a chemical  
45 weapon or biological weapon in the third degree); section 490.40 (crimi-  
46 nal possession of a chemical weapon or biological weapon in the second  
47 degree); section 490.45 (criminal possession of a chemical weapon or  
48 biological weapon in the first degree); section 490.47 (criminal use of  
49 a chemical weapon or biological weapon in the third degree); section  
50 490.50 (criminal use of a chemical weapon or biological weapon in the  
51 second degree); section 490.55 (criminal use of a chemical weapon or  
52 biological weapon in the first degree); or any attempt or conspiracy to  
53 commit any of the foregoing offenses.

54 § 5. Subdivision 3 of section 485.05 of the penal law, as amended by  
55 section 1 of part C of chapter 55 of the laws of 2024, is amended to  
56 read as follows:

1 3. A "specified offense" is an offense defined by any of the following  
2 provisions of this chapter: section 120.00 (assault in the third  
3 degree); section 120.05 (assault in the second degree); section 120.06  
4 (gang assault in the second degree); section 120.07 (gang assault in the  
5 first degree); section 120.10 (assault in the first degree); section  
6 120.12 (aggravated assault upon a person less than eleven years old);  
7 section 120.13 (menacing in the first degree); section 120.14 (menacing  
8 in the second degree); section 120.15 (menacing in the third degree);  
9 section 120.20 (reckless endangerment in the second degree); section  
10 120.25 (reckless endangerment in the first degree); section 121.11  
11 (criminal obstruction of breathing or blood circulation); section 121.12  
12 (strangulation in the second degree); section 121.13 (strangulation in  
13 the first degree); subdivision one of section 125.15 (manslaughter in  
14 the second degree); subdivision one, two or four of section 125.20  
15 (manslaughter in the first degree); section 125.25 (murder in the second  
16 degree); section 125.26 (aggravated murder); section 125.27 (murder in  
17 the first degree); section 120.45 (stalking in the fourth degree);  
18 section 120.50 (stalking in the third degree); section 120.55 (stalking  
19 in the second degree); section 120.60 (stalking in the first degree);  
20 section 130.20 (sexual misconduct); section 130.25 (rape in the third  
21 degree); section 130.30 (rape in the second degree); section 130.35  
22 (rape in the first degree); section 130.40 (criminal sexual act in the  
23 third degree); section 130.45 (criminal sexual act in the second  
24 degree); section 130.50 (criminal sexual act in the first degree);  
25 section 130.52 (forcible touching); section 130.53 (persistent sexual  
26 abuse); section 130.55 (sexual abuse in the third degree); section  
27 130.60 (sexual abuse in the second degree); section 130.65 (sexual abuse  
28 in the first degree); section 130.65-a (aggravated sexual abuse in the  
29 fourth degree); section 130.66 (aggravated sexual abuse in the third  
30 degree); section 130.67 (aggravated sexual abuse in the second degree);  
31 section 130.70 (aggravated sexual abuse in the first degree); section  
32 135.05 (unlawful imprisonment in the second degree); section 135.10  
33 (unlawful imprisonment in the first degree); section 135.20 (kidnapping  
34 in the second degree); section 135.25 (kidnapping in the first degree);  
35 section 135.60 (coercion in the third degree); section 135.61 (coercion  
36 in the second degree); section 135.65 (coercion in the first degree);  
37 section 140.10 (criminal trespass in the third degree); section 140.15  
38 (criminal trespass in the second degree); section 140.17 (criminal tres-  
39 pass in the first degree); section 140.20 (burglary in the third  
40 degree); section 140.25 (burglary in the second degree); section 140.30  
41 (burglary in the first degree); section 145.00 (criminal mischief in the  
42 fourth degree); section 145.05 (criminal mischief in the third degree);  
43 section 145.10 (criminal mischief in the second degree); section 145.12  
44 (criminal mischief in the first degree); section 150.05 (arson in the  
45 fourth degree); section 150.10 (arson in the third degree); section  
46 150.15 (arson in the second degree); section 150.20 (arson in the first  
47 degree); section 155.25 (petit larceny); section 155.30 (grand larceny  
48 in the fourth degree); section 155.35 (grand larceny in the third  
49 degree); section 155.40 (grand larceny in the second degree); section  
50 155.42 (grand larceny in the first degree); section 160.05 (robbery in  
51 the third degree); section 160.10 (robbery in the second degree);  
52 section 160.15 (robbery in the first degree); section 230.34 (sex traf-  
53 ficking); section 230.34-a (sex trafficking of a child); section 240.25  
54 (harassment in the first degree); subdivision one, two or four of  
55 section 240.30 (aggravated harassment in the second degree); section  
56 240.50 (falsely reporting an incident in the third degree); section

1 240.55 (falsely reporting an incident in the second degree); section  
2 240.60 (falsely reporting an incident in the first degree); section  
3 240.80 (aggravated falsely reporting an incident in the third degree);  
4 section 240.81 (aggravated falsely reporting an incident in the second  
5 degree); section 240.82 (aggravated falsely reporting an incident in the  
6 first degree); subdivision one of section 265.03 (criminal possession of  
7 a weapon in the second degree); subdivision one of section 265.04 (crim-  
8 inal possession of a weapon in the first degree); section 490.10 (solic-  
9 iting or providing support for an act of terrorism in the second  
10 degree); section 490.15 (soliciting or providing support for an act of  
11 terrorism in the first degree); section 490.20 (making a terroristic  
12 threat); section 490.25 (crime of terrorism); section 490.30 (hindering  
13 prosecution of terrorism in the second degree); section 490.35 (hinder-  
14 ing prosecution of terrorism in the first degree); section 490.37 (crim-  
15 inal possession of a chemical weapon or biological weapon in the third  
16 degree); section 490.40 (criminal possession of a chemical weapon or  
17 biological weapon in the second degree); section 490.45 (criminal  
18 possession of a chemical weapon or biological weapon in the first  
19 degree); section 490.47 (criminal use of a chemical weapon or biological  
20 weapon in the third degree); section 490.50 (criminal use of a chemical  
21 weapon or biological weapon in the second degree); section 490.55 (crim-  
22 inal use of a chemical weapon or biological weapon in the first degree);  
23 or any attempt or conspiracy to commit any of the foregoing offenses.

24 § 6. Subdivision 3 of section 485.05 of the penal law, as amended by  
25 section 2 of part C of chapter 55 of the laws of 2024, is amended to  
26 read as follows:

27 3. A "specified offense" is an offense defined by any of the following  
28 provisions of this chapter: section 120.00 (assault in the third  
29 degree); section 120.05 (assault in the second degree); section 120.06  
30 (gang assault in the second degree); section 120.07 (gang assault in the  
31 first degree); section 120.10 (assault in the first degree); section  
32 120.12 (aggravated assault upon a person less than eleven years old);  
33 section 120.13 (menacing in the first degree); section 120.14 (menacing  
34 in the second degree); section 120.15 (menacing in the third degree);  
35 section 120.20 (reckless endangerment in the second degree); section  
36 120.25 (reckless endangerment in the first degree); section 121.11  
37 (criminal obstruction of breathing or blood circulation); section 121.12  
38 (strangulation in the second degree); section 121.13 (strangulation in  
39 the first degree); subdivision one of section 125.15 (manslaughter in  
40 the second degree); subdivision one, two or four of section 125.20  
41 (manslaughter in the first degree); section 125.25 (murder in the second  
42 degree); section 125.26 (aggravated murder); section 125.27 (murder in  
43 the first degree); section 120.45 (stalking in the fourth degree);  
44 section 120.50 (stalking in the third degree); section 120.55 (stalking  
45 in the second degree); section 120.60 (stalking in the first degree);  
46 section 130.20 (sexual misconduct); section 130.25 (rape in the third  
47 degree); section 130.30 (rape in the second degree); section 130.35  
48 (rape in the first degree); former section 130.40; former section  
49 130.45; former section 130.50; section 130.52 (forcible touching);  
50 section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse  
51 in the third degree); section 130.60 (sexual abuse in the second  
52 degree); section 130.65 (sexual abuse in the first degree); section  
53 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66  
54 (aggravated sexual abuse in the third degree); section 130.67 (aggra-  
55 vated sexual abuse in the second degree); section 130.70 (aggravated  
56 sexual abuse in the first degree); section 135.05 (unlawful imprisonment

1 in the second degree); section 135.10 (unlawful imprisonment in the  
2 first degree); section 135.20 (kidnapping in the second degree); section  
3 135.25 (kidnapping in the first degree); section 135.60 (coercion in the  
4 third degree); section 135.61 (coercion in the second degree); section  
5 135.65 (coercion in the first degree); section 140.10 (criminal trespass  
6 in the third degree); section 140.15 (criminal trespass in the second  
7 degree); section 140.17 (criminal trespass in the first degree); section  
8 140.20 (burglary in the third degree); section 140.25 (burglary in the  
9 second degree); section 140.30 (burglary in the first degree); section  
10 145.00 (criminal mischief in the fourth degree); section 145.05 (crimi-  
11 nal mischief in the third degree); section 145.10 (criminal mischief in  
12 the second degree); section 145.12 (criminal mischief in the first  
13 degree); section 150.05 (arson in the fourth degree); section 150.10  
14 (arson in the third degree); section 150.15 (arson in the second  
15 degree); section 150.20 (arson in the first degree); section 155.25  
16 (petit larceny); section 155.30 (grand larceny in the fourth degree);  
17 section 155.35 (grand larceny in the third degree); section 155.40  
18 (grand larceny in the second degree); section 155.42 (grand larceny in  
19 the first degree); section 160.05 (robbery in the third degree); section  
20 160.10 (robbery in the second degree); section 160.15 (robbery in the  
21 first degree); section 230.34 (sex trafficking); section 230.34-a (sex  
22 trafficking of a child); section 240.25 (harassment in the first  
23 degree); subdivision one, two or four of section 240.30 (aggravated  
24 harassment in the second degree); section 240.50 (falsely reporting an  
25 incident in the third degree); section 240.55 (falsely reporting an  
26 incident in the second degree); section 240.60 (falsely reporting an  
27 incident in the first degree); section 240.80 (aggravated falsely  
28 reporting an incident in the third degree); section 240.81 (aggravated  
29 falsely reporting an incident in the second degree); section 240.82  
30 (aggravated falsely reporting an incident in the first degree); subdivi-  
31 sion one of section 265.03 (criminal possession of a weapon in the  
32 second degree); subdivision one of section 265.04 (criminal possession  
33 of a weapon in the first degree); section 490.10 (soliciting or provid-  
34 ing support for an act of terrorism in the second degree); section  
35 490.15 (soliciting or providing support for an act of terrorism in the  
36 first degree); section 490.20 (making a terroristic threat); section  
37 490.25 (crime of terrorism); section 490.30 (hindering prosecution of  
38 terrorism in the second degree); section 490.35 (hindering prosecution  
39 of terrorism in the first degree); section 490.37 (criminal possession  
40 of a chemical weapon or biological weapon in the third degree); section  
41 490.40 (criminal possession of a chemical weapon or biological weapon in  
42 the second degree); section 490.45 (criminal possession of a chemical  
43 weapon or biological weapon in the first degree); section 490.47 (crimi-  
44 nal use of a chemical weapon or biological weapon in the third degree);  
45 section 490.50 (criminal use of a chemical weapon or biological weapon  
46 in the second degree); section 490.55 (criminal use of a chemical weapon  
47 or biological weapon in the first degree); or any attempt or conspiracy  
48 to commit any of the foregoing offenses.

49 § 7. Subdivision 2 of section 79-n of the civil rights law, as amended  
50 by chapter 213 of the laws of 2022, is amended to read as follows:

51 2. Any person who intentionally selects a person or property for harm  
52 or causes damage to the property of another or causes physical injury or  
53 death to another, or subjects a person to conduct that would constitute  
54 harassment under section 240.25 of the penal law, or subjects a person  
55 to conduct that results in a conviction under section 240.80 (aggravated  
56 falsely reporting an incident in the third degree), section 240.81

1 (aggravated falsely reporting an incident in the second degree), or  
2 section 240.82 (aggravated falsely reporting an incident in the first  
3 degree) of the penal law, or summons a police officer or peace officer  
4 without reason to suspect a violation of the penal law, any other criminal  
5 conduct, or an imminent threat to a person or property, in whole or  
6 in substantial part because of a belief or perception regarding the  
7 race, color, national origin, ancestry, gender, religion, religious  
8 practice, age, disability or sexual orientation of a person, regardless  
9 of whether the belief or perception is correct, or any person who aids  
10 or incites any such conduct, shall be liable, in a civil action or  
11 proceeding maintained by such individual or group of individuals, for  
12 injunctive relief, damages, or any other appropriate relief in law or  
13 equity. If it shall appear to the satisfaction of the court or justice  
14 that the respondent has, in fact, violated this section, an injunction  
15 may be issued by such court or justice, enjoining and restraining any  
16 further violation, without requiring proof that any person has, in fact,  
17 been injured or damaged thereby. For the purposes of this subdivision, a  
18 person lacks reason to suspect a violation of the penal law, any other  
19 criminal conduct, or an imminent threat to a person or property where a  
20 reasonable person would not suspect such violation, conduct, or threat.

21 § 8. Subdivision 3 of section 75 of the executive law is amended by  
22 adding a new paragraph (c-1) to read as follows:

23 (c-1) establish a public, searchable database of all officers or  
24 employees of covered agencies who have been convicted under section  
25 240.80 (aggravated falsely reporting an incident in the third degree),  
26 section 240.81 (aggravated falsely reporting an incident in the second  
27 degree) and section 240.82 (aggravated falsely reporting an incident in  
28 the first degree) of the penal law where such officer or employee  
29 committed the offense in whole or in substantial part because of a  
30 belief or perception regarding the race, color, national origin, ances-  
31 try, religion, gender, disability, sexual orientation, gender identity  
32 or expression, or ethnicity of a person, regardless of whether the  
33 belief or perception is correct;

34 § 9. The executive law is amended by adding a new section 837-y to  
35 read as follows:

36 § 837-y. False reporting database. The division shall establish a  
37 public, searchable database of all convictions under section 240.80  
38 (aggravated falsely reporting an incident in the third degree), section  
39 240.81 (aggravated falsely reporting an incident in the second degree)  
40 and section 240.82 (aggravated falsely reporting an incident in the  
41 first degree) of the penal law where a person committed the offense in  
42 whole or in substantial part because of a belief or perception regarding  
43 the race, color, national origin, ancestry, religion, gender, disabili-  
44 ty, sexual orientation, gender identity or expression, or ethnicity of a  
45 person, regardless of whether the belief or perception is correct.

46 § 10. Section 160.50 of the criminal procedure law is amended by  
47 adding a new subdivision 6 to read as follows:

48 6. In the case of the termination of a criminal action or proceeding  
49 against a person in favor of such person where the criminal action or  
50 proceeding is being terminated due to a violation of section 240.80  
51 (aggravated falsely reporting an incident in the third degree), section  
52 240.81 (aggravated falsely reporting an incident in the second degree),  
53 or section 240.82 (aggravated falsely reporting an incident in the first  
54 degree) of the penal law, the prosecutor shall notify such person by  
55 providing a detailed written explanation of the reason such criminal  
56 action or proceeding is being terminated. Such notification shall be

1 provided to the person or such person's attorney within five days of the  
2 dismissal of such criminal action or proceeding.

3 § 11. This act shall take effect immediately; provided, however, that  
4 section five of this act shall take effect on the same date and in the  
5 same manner as section 1 of part C of chapter 55 of the laws of 2024,  
6 takes effect; provided further, however, that section six of this act  
7 shall take effect on the same date and in the same manner as section 2  
8 of part C of chapter 55 of the laws of 2024, takes effect.