STATE OF NEW YORK

5341

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

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

AN ACT to amend the penal law and the executive law, in relation to enacting the "universal stop false police reporting act"

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

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

§ 2. The penal law is amended by adding two new sections 175.50 and 175.55 to read as follows:

§ 175.50 Offering a false report for filing in the second degree.

A law enforcement officer is guilty of offering a false report for filing in the second degree when, having previously been disciplined by his or her employer for filing a false report, and knowing that a written report contains a false statement or information about another person, in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of such other person, the law enforcement officer offers or presents such report regarding the commission of any crime or any investigation of any crime to the agency which employs such officer with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such agency.

Offering a false report for filing in the second degree is a class A misdemeanor.

§ 175.55 Offering a false report for filing in the first degree.

A law enforcement officer is guilty of offering a false report for filing in the first degree when having previously been convicted of offering a false report for filing in the second degree and having previously been placed on unpaid leave by his or her employer for filing a later false report, such law enforcement officer, knowing that a writ-

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

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ten report contains a false statement or information about another person, in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of such other person, offers or presents such report regarding the commission of any crime or any investigation of any crime to the agency which employs such officer with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such agency.

Offering a false report for filing in the first degree is a class E felony.

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

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree); subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the third degree); section 135.61 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree);

section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); **section 240.50 (falsely reporting an incident in the third degree); section 240.55 (falsely reporting an incident in the second degree); section 240.60 (falsely reporting an incident in the first degree);** section 490.10 (soliciting or providing support for an act of terrorism in the second degree); section 490.15 (soliciting or providing support for an act of terrorism in the first degree); section 490.20 (making a terroristic threat); section 490.25 (crime of terrorism); section 490.30 (hindering prosecution of terrorism in the second degree); section 490.35 (hindering prosecution of terrorism in the first degree); section 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree); section 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree); section 490.45 (criminal possession of a chemical weapon or biological weapon in the first degree); section 490.47 (criminal use of a chemical weapon or biological weapon in the third degree); section 490.50 (criminal use of a chemical weapon or biological weapon in the second degree); section 490.55 (criminal use of a chemical weapon or biological weapon in the first degree); or any attempt or conspiracy to commit any of the foregoing offenses.

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

(c-1) establish a public, searchable database of all officers or employees of covered agencies who have been convicted under section 175.50 (offering a false report for filing in the second degree), section 175.55 (offering a false report for filing in the second degree), section 240.50 (falsely reporting an incident in the third degree), section 240.55 (falsely reporting an incident in the second degree), and section 240.60 (falsely reporting an incident in the first degree) of the penal law where such officer or employee committed the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct;

§ 5. The executive law is amended by adding a new section 837-x to read as follows:

§ 837-x. False reporting database. The division shall establish a public, searchable database of all convictions under section 240.50 (falsely reporting an incident in the third degree), section 240.55 (falsely reporting an incident in the second degree), and section 240.60 (falsely reporting an incident in the first degree) of the penal law where a person committed the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

§ 6. This act shall take effect on the one hundred eightieth day after it shall have become a law.