STATE OF NEW YORK

9048

IN SENATE

April 12, 2024

Introduced by Sen. SCARCELLA-SPANTON -- 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 civil rights law, in relation to creating the crime of aggravated offering of a false accusation against a police officer and creating a private right of action

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 a new section 240.64 to read as follows:

§ 240.64 Aggravated offering of a false accusation against a police officer or peace officer.

A person is guilty of aggravated offering of a false accusation against a police officer or peace officer when, knowing the information reported to be false or baseless, he or she reports, by word or action, to a law enforcement officer or agency, wrongdoing by a police officer or peace officer in the performance of his or her duties. Under this section, police officer and peace officer are as defined under section 1.20 of the criminal procedure law.

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

§ 2. The civil rights law is amended by adding a new section 50-g to read as follows:

§ 50-g. Private right of action; false accusation. A police officer or peace officer, or his or her representative, may bring an action to recover damages suffered by reason of a false accusation against such police officer or peace officer in violation of section 240.64 of the penal law. In any action brought under this section, the court may award reasonable attorney's fees to a prevailing plaintiff.

§ 3. This act shall take effect immediately.

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

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