

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 another
8 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.

LBD08232-04-4

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

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

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

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

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

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

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

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

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

7. Notwithstanding any other provisions of this section, a police officer shall arrest a person, and shall not attempt to reconcile the parties or mediate, where such officer has reasonable cause to believe that a felony constituting falsely reporting an incident in the third degree pursuant to section 240.50 of the penal law, falsely reporting an incident in the second degree pursuant to section 240.55 of the penal law, falsely reporting an incident in the first degree pursuant to section 240.60 of the penal law, aggravated falsely reporting an incident in the third degree pursuant to section 240.80 of the penal law, aggravated falsely reporting an incident in the second degree pursuant to section 240.81 of the penal law, or aggravated falsely reporting an incident in the first degree pursuant to section 240.82 of the penal law has been committed by such person.

§ 4. 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

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.