STATE OF NEW YORK

5341--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

Introduced by M. of A. GIBBS, DARLING, AUBRY, HYNDMAN, CRUZ, LEVENBERG, WALKER, REYES, SIMONE, JACKSON, RAGA, ALVAREZ, CUNNINGHAM, WEPRIN, SHIMSKY -- Multi-Sponsored by -- M. of A. SIMON -- 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, the executive law and the civil rights law, in relation to enacting the "New York accountability in 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 "New York accountability in 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 person 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 person offers or presents such report to his or her employer 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 employer. For the purposes of this section, "person" means an individual employed by any state or municipal office, agency or department.

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

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

LBD03213-03-3

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

A person 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 person, 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, offers or presents such report to his or her employer 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 employer. For the purposes of this section, "person" means an individual employed by any state or municipal office, agency or department.

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. The executive law is amended by adding a new section 76 to read as follows:

§ 76. False reporting database. The attorney general shall establish a public, searchable database of all convictions 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 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.

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

2. Any person who intentionally selects a person or property for harm or causes damage to the property of another or causes physical injury or death to another, or subjects a person to conduct that would constitute harassment under section 240.25 of the penal law, **or subjects a person to conduct that results in a conviction 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,** or summons a police officer or peace officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, 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 a person, regardless of whether the belief or perception is correct, or any person who aids or incites any such conduct, shall be liable, in a civil action or proceeding maintained by such individual or group of individuals, for injunctive relief, damages, or any other appropriate relief in law or equity. If it shall appear to the satisfaction of the court or justice that the respondent has, in fact, violated this section, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. For the purposes of this subdivision, a person lacks reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property where a reasonable person would not suspect such violation, conduct, or threat.

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