

STATE OF NEW YORK

1772--A

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

Introduced by Sens. PARKER, CLEARE, COMRIE, FERNANDEZ, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- 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:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York accountability in reporting act".

3 § 2. The penal law is amended by adding two new sections 175.50 and
4 175.55 to read as follows:

5 § 175.50 Offering a false report for filing in the second degree.

6 A person is guilty of offering a false report for filing in the second
7 degree when, having previously been disciplined by his or her employer
8 for filing a false report, and knowing that a written report contains a
9 false statement or information about another person, in whole or in
10 substantial part because of a belief or perception regarding the race,
11 color, national origin, ancestry, gender, religion, religious practice,
12 age, disability or sexual orientation of such other person, the person
13 offers or presents such report to his or her employer with the knowledge
14 or belief that it will be filed with, registered or recorded in or
15 otherwise become a part of the records of such employer. For the
16 purposes of this section, "person" means an individual employed by any
17 state or municipal office, agency or department.

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

20 § 175.55 Offering a false report for filing in the first degree.

21 A person is guilty of offering a false report for filing in the first
22 degree when having previously been convicted of offering a false report

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

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1 for filing in the second degree and having previously been placed on
2 unpaid leave by his or her employer for filing a later false report,
3 such person, knowing that a written report contains a false statement or
4 information about another person, in whole or in substantial part
5 because of a belief or perception regarding the race, color, national
6 origin, ancestry, gender, religion, religious practice, age, disability
7 or sexual orientation of such other person, offers or presents such
8 report to his or her employer with the knowledge or belief that it will
9 be filed with, registered or recorded in or otherwise become a part of
10 the records of such employer. For the purposes of this section,
11 "person" means an individual employed by any state or municipal office,
12 agency or department.

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

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

18 3. A "specified offense" is an offense defined by any of the following
19 provisions of this chapter: section 120.00 (assault in the third
20 degree); section 120.05 (assault in the second degree); section 120.10
21 (assault in the first degree); section 120.12 (aggravated assault upon a
22 person less than eleven years old); section 120.13 (menacing in the
23 first degree); section 120.14 (menacing in the second degree); section
24 120.15 (menacing in the third degree); section 120.20 (reckless endan-
25 germent in the second degree); section 120.25 (reckless endangerment in
26 the first degree); section 121.12 (strangulation in the second degree);
27 section 121.13 (strangulation in the first degree); subdivision one of
28 section 125.15 (manslaughter in the second degree); subdivision one, two
29 or four of section 125.20 (manslaughter in the first degree); section
30 125.25 (murder in the second degree); section 120.45 (stalking in the
31 fourth degree); section 120.50 (stalking in the third degree); section
32 120.55 (stalking in the second degree); section 120.60 (stalking in the
33 first degree); subdivision one of section 130.35 (rape in the first
34 degree); subdivision one of section 130.50 (criminal sexual act in the
35 first degree); subdivision one of section 130.65 (sexual abuse in the
36 first degree); paragraph (a) of subdivision one of section 130.67
37 (aggravated sexual abuse in the second degree); paragraph (a) of subdi-
38 vision one of section 130.70 (aggravated sexual abuse in the first
39 degree); section 135.05 (unlawful imprisonment in the second degree);
40 section 135.10 (unlawful imprisonment in the first degree); section
41 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in
42 the first degree); section 135.60 (coercion in the third degree);
43 section 135.61 (coercion in the second degree); section 135.65 (coercion
44 in the first degree); section 140.10 (criminal trespass in the third
45 degree); section 140.15 (criminal trespass in the second degree);
46 section 140.17 (criminal trespass in the first degree); section 140.20
47 (burglary in the third degree); section 140.25 (burglary in the second
48 degree); section 140.30 (burglary in the first degree); section 145.00
49 (criminal mischief in the fourth degree); section 145.05 (criminal
50 mischief in the third degree); section 145.10 (criminal mischief in the
51 second degree); section 145.12 (criminal mischief in the first degree);
52 section 150.05 (arson in the fourth degree); section 150.10 (arson in
53 the third degree); section 150.15 (arson in the second degree); section
54 150.20 (arson in the first degree); section 155.25 (petit larceny);
55 section 155.30 (grand larceny in the fourth degree); section 155.35
56 (grand larceny in the third degree); section 155.40 (grand larceny in

1 the second degree); section 155.42 (grand larceny in the first degree);
2 section 160.05 (robbery in the third degree); section 160.10 (robbery in
3 the second degree); section 160.15 (robbery in the first degree);
4 section 240.25 (harassment in the first degree); subdivision one, two or
5 four of section 240.30 (aggravated harassment in the second degree);
6 section 240.50 (falsely reporting an incident in the third degree);
7 section 240.55 (falsely reporting an incident in the second degree);
8 section 240.60 (falsely reporting an incident in the first degree);
9 section 490.10 (soliciting or providing support for an act of terrorism
10 in the second degree); section 490.15 (soliciting or providing support
11 for an act of terrorism in the first degree); section 490.20 (making a
12 terroristic threat); section 490.25 (crime of terrorism); section 490.30
13 (hindering prosecution of terrorism in the second degree); section
14 490.35 (hindering prosecution of terrorism in the first degree); section
15 490.37 (criminal possession of a chemical weapon or biological weapon in
16 the third degree); section 490.40 (criminal possession of a chemical
17 weapon or biological weapon in the second degree); section 490.45 (crim-
18 inal 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 § 4. The executive law is amended by adding a new section 76 to read
25 as follows:

26 § 76. False reporting database. The attorney general shall establish a
27 public, searchable database of all convictions under section 175.50
28 (offering a false report for filing in the second degree), section
29 175.55 (offering a false report for filing in the second degree),
30 section 240.50 (falsely reporting an incident in the third degree),
31 section 240.55 (falsely reporting an incident in the second degree),
32 and section 240.60 (falsely reporting an incident in the first degree)
33 of the penal law where a person committed the offense in whole or
34 in substantial part because of a belief or perception regarding the
35 race, color, national origin, ancestry, gender, gender identity or
36 expression, religion, religious practice, age, disability or sexual
37 orientation of a person, regardless of whether the belief or percep-
38 tion is correct.

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

41 2. Any person who intentionally selects a person or property for harm
42 or causes damage to the property of another or causes physical injury or
43 death to another, or subjects a person to conduct that would constitute
44 harassment under section 240.25 of the penal law, or subjects a person
45 to conduct that results in a conviction under section 175.50 (offering a
46 false report for filing in the second degree), section 175.55 (offering
47 a false report for filing in the second degree), section 240.50
48 (falsely reporting an incident in the third degree), section 240.55
49 (falsely reporting an incident in the second degree), and section 240.60
50 (falsely reporting an incident in the first degree) of the penal law, or
51 summons a police officer or peace officer without reason to suspect a
52 violation of the penal law, any other criminal conduct, or an imminent
53 threat to a person or property, in whole or in substantial part because
54 of a belief or perception regarding the race, color, national origin,
55 ancestry, gender, religion, religious practice, age, disability or sexu-
56 al orientation of a person, regardless of whether the belief or percep-

1 tion is correct, or any person who aids or incites any such conduct,
2 shall be liable, in a civil action or proceeding maintained by such
3 individual or group of individuals, for injunctive relief, damages, or
4 any other appropriate relief in law or equity. If it shall appear to the
5 satisfaction of the court or justice that the respondent has, in fact,
6 violated this section, an injunction may be issued by such court or
7 justice, enjoining and restraining any further violation, without
8 requiring proof that any person has, in fact, been injured or damaged
9 thereby. For the purposes of this subdivision, a person lacks reason to
10 suspect a violation of the penal law, any other criminal conduct, or an
11 imminent threat to a person or property where a reasonable person would
12 not suspect such violation, conduct, or threat.

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