STATE OF NEW YORK

537

2023-2024 Regular Sessions

IN SENATE

January 4, 2023

Introduced by Sens. THOMAS, COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to falsely reporting an incident and falsifying business records by law enforcement officers

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

Section 1. Section 240.60 of the penal law, as amended by chapter 528 of the laws of 1995, subdivision 5 as added by chapter 561 of the laws of 1999, subdivision 6 and the closing paragraph as amended by chapter 301 of the laws of 2001, is amended to read as follows:

§ 240.60 Falsely reporting an incident in the first degree.

A person is guilty of falsely reporting an incident in the first degree when he **or she**:

1. commits the crime of falsely reporting an incident in the second degree as defined in section 240.55 of this article, and has previously been convicted of that crime; or

2. commits the crime of falsely reporting an incident in the third degree as defined in subdivisions one and two of section 240.50 of this article or falsely reporting an incident in the second degree as defined in subdivisions one and two of section 240.55 of this article and another person who is an employee or member of any official or quasi-official agency having the function of dealing with emergencies involving danger to life or property; or who is a volunteer firefighter with a fire department, fire company, or any unit thereof as defined in the volunteer firefighters' benefit law; or who is a volunteer ambulance worker with a volunteer ambulance corporation or any unit thereof as defined in the volunteer ambulance workers' benefit law suffers serious physical injury or is killed in the performance of his or her official duties in traveling to or working at or returning to a firehouse, police station, quarters or other base facility from the location identified in such report; or

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

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3. commits the crime of falsely reporting an incident in the third degree as defined in subdivisions one and two of section 240.50 of this article or falsely reporting an incident in the second degree as defined in subdivisions one and two of section 240.55 of this article and another person suffers serious physical injury or is killed as a result of any vehicular or other accident involving any emergency vehicle which is responding to, operating at, or returning from the location identified in such report. [~~4.~~] An emergency vehicle as referred to in **this** subdivision [~~three of this section~~] shall include any vehicle operated by any employee or member of any official or quasi-official agency having the function of dealing with emergencies involving danger to life or property and shall include, but not necessarily be limited to, an emergency vehicle which is operated by a volunteer firefighter with a fire department, fire company, or any unit thereof as defined in the volunteer firefighters' benefit law; or by a volunteer ambulance worker with a volunteer ambulance corporation, or any unit thereof as defined in the volunteer ambulance workers' benefit law[~~.~~]**; or**

[~~5.~~] **4.** Knowing the information reported, conveyed or circulated to be false or baseless and under circumstances in which it is likely public alarm or inconvenience will result, he or she initiates or circulates a report or warning of an alleged occurrence or an impending occurrence of a fire, an explosion, or the release of a hazardous substance upon school grounds and it is likely that persons are present on said grounds[~~.~~]**; or**

[~~6.~~] **5.** Knowing the information reported, conveyed or circulated to be false or baseless and under circumstances in which it is likely public alarm or inconvenience will result, he or she initiates or circulates a report or warning of an alleged occurrence or impending occurrence of a fire, explosion or the release of a hazardous substance in or upon a sports stadium or arena, mass transportation facility, enclosed shopping mall, any public building or any public place, and it is likely that persons are present. For purposes of this subdivision, the terms "sports stadium or arena, mass transportation facility or enclosed shopping mall" shall have their natural meaning and the term "public building" shall have the meaning set forth in section four hundred one of the executive law[~~.~~]**; or**

6. Being a law enforcement officer, he or she commits the crime of falsely reporting an incident in the third degree as defined in subdivisions one and two of section 240.50 of this article, knowing the information reported to be false or baseless.

Falsely reporting an incident in the first degree is a class D felony.

§ 2. Section 175.10 of the penal law is amended to read as follows:

§ 175.10 Falsifying business records in the first degree.

A person is guilty of falsifying business records in the first degree when**:**

1. he **or she** commits the crime of falsifying business records in the second degree, and when his **or her** intent to defraud includes an intent to commit another crime or to aid or conceal the commission thereof**; or**

2. being a law enforcement official, he or she commits the crime of falsifying business records in the second degree.

Falsifying business records in the first degree is a class E felony.

§ 3. This act shall take effect immediately.