

# 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 inci-  
dent and falsifying business records by law enforcement officers

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

1 Section 1. Section 240.60 of the penal law, as amended by chapter 528  
2 of the laws of 1995, subdivision 5 as added by chapter 561 of the laws  
3 of 1999, subdivision 6 and the closing paragraph as amended by chapter  
4 301 of the laws of 2001, is amended to read as follows:

5 § 240.60 Falsely reporting an incident in the first degree.

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

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

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

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

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1 3. commits the crime of falsely reporting an incident in the third  
2 degree as defined in subdivisions one and two of section 240.50 of this  
3 article or falsely reporting an incident in the second degree as defined  
4 in subdivisions one and two of section 240.55 of this article and another  
5 person suffers serious physical injury or is killed as a result of  
6 any vehicular or other accident involving any emergency vehicle which is  
7 responding to, operating at, or returning from the location identified  
8 in such report. [4+] An emergency vehicle as referred to in this subdivi-  
9 sion [~~three of this section~~] shall include any vehicle operated by any  
10 employee or member of any official or quasi-official agency having the  
11 function of dealing with emergencies involving danger to life or proper-  
12 ty and shall include, but not necessarily be limited to, an emergency  
13 vehicle which is operated by a volunteer firefighter with a fire depart-  
14 ment, fire company, or any unit thereof as defined in the volunteer  
15 firefighters' benefit law; or by a volunteer ambulance worker with a  
16 volunteer ambulance corporation, or any unit thereof as defined in the  
17 volunteer ambulance workers' benefit law[+]; or

18 [5+] 4. Knowing the information reported, conveyed or circulated to be  
19 false or baseless and under circumstances in which it is likely public  
20 alarm or inconvenience will result, he or she initiates or circulates a  
21 report or warning of an alleged occurrence or an impending occurrence of  
22 a fire, an explosion, or the release of a hazardous substance upon  
23 school grounds and it is likely that persons are present on said  
24 grounds[+]; or

25 [6+] 5. Knowing the information reported, conveyed or circulated to be  
26 false or baseless and under circumstances in which it is likely public  
27 alarm or inconvenience will result, he or she initiates or circulates a  
28 report or warning of an alleged occurrence or impending occurrence of a  
29 fire, explosion or the release of a hazardous substance in or upon a  
30 sports stadium or arena, mass transportation facility, enclosed shopping  
31 mall, any public building or any public place, and it is likely that  
32 persons are present. For purposes of this subdivision, the terms "sports  
33 stadium or arena, mass transportation facility or enclosed shopping  
34 mall" shall have their natural meaning and the term "public building"  
35 shall have the meaning set forth in section four hundred one of the  
36 executive law[+]; or

37 6. Being a law enforcement officer, he or she commits the crime of  
38 falsely reporting an incident in the third degree as defined in subdivi-  
39 sions one and two of section 240.50 of this article, knowing the infor-  
40 mation reported to be false or baseless.

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

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

43 § 175.10 Falsifying business records in the first degree.

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

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

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

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

52 § 3. This act shall take effect immediately.