STATE OF NEW YORK

7215--B

2025-2026 Regular Sessions

IN ASSEMBLY

March 21, 2025

Introduced by M. of A. RAMOS, WEPRIN -- 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 -- again reported from said committee with amendments, 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 and the civil practice law and rules, in relation to notifying persons of the termination of certain criminal actions or proceedings and the timeframe for bringing a cause of action for false reporting

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 "false reporting survivors act".

§ 2. The penal law is amended by adding three new sections 240.80, 240.81 and 240.82 to read as follows:

§ 240.80 Aggravated falsely reporting an incident in the third degree.

A person is guilty of aggravated falsely reporting an incident in the third 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

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

LBD00358-06-6

whether the belief or perception is correct, such person commits the crime of falsely reporting an incident in the third degree pursuant to 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; provided, however, that:

(a) to ensure that a pending active criminal investigation or prosecution is completed without interference, a police officer shall not accept or process civilian cross-complaints for aggravated falsely reporting an incident in the first, second, or third degree during such pending active criminal investigation or prosecution;

(b) notwithstanding any other provision of law, a police officer shall not take a written report for, nor effectuate an arrest for, aggravated falsely reporting an incident in the first, second, or third degree until such time as the underlying criminal proceeding initiated by the initial report has been officially dismissed, acquitted, or overturned by a court of competent jurisdiction;

(c) a mandatory arrest under this subdivision shall only occur when there is independent supporting evidence proving that the report was fabricated. No charges shall be initiated pursuant to this subdivision unless such evidence has been verified by the office of the attorney general to ensure the charge is based on proof of a deliberate fabrication rather than a "good faith" mistake;

(d) the provisions of this subdivision shall not limit a police officer's authority to effectuate an arrest when such officer has immediate, independent proof that they have been personally and willfully misled. In instances where a police officer can verify a fabrication through direct evidence at the scene, independent of any civilian cross-allegation, such officer shall proceed with an arrest for aggravated falsely reporting an incident in the first, second, or third degree; and

(e) police officers shall formally instruct the complainant to submit their allegation, along with any independent supporting evidence, directly to the office of the attorney general for intake and preliminary review. No local law enforcement agency shall log, file, or act upon a civilian complaint under this subdivision without direct written authorization and referral from the office of the attorney general.

§ 4. Subdivision 3 of section 485.05 of the penal law, as amended by section 2 of part C of chapter 55 of the laws of 2024, 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 120.06 (gang assault in the second degree); section 120.07 (gang assault in the first 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 121.11 (criminal obstruction of breathing or blood circulation); 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 125.26 (aggravated murder); section 125.27 (murder in the first 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); section 130.20 (sexual misconduct); section 130.25 (rape in the third degree); section 130.30 (rape in the second degree); section 130.35 (rape in the first degree); former section 130.40; former section 130.45; former section 130.50; section 130.52 (forcible touching); section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse in the third degree); section 130.60 (sexual abuse in the second degree); section 130.65 (sexual abuse in the first degree); section 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66 (aggravated sexual abuse in the third degree); section 130.67 (aggravated sexual abuse in the second degree); 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 230.34 (sex trafficking); section 230.34-a (sex trafficking of a child); 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 240.80 (aggravated falsely reporting an incident in the third degree); section 240.81 (aggravated falsely reporting an incident in the second degree); section 240.82 (aggravated falsely reporting an incident in the first degree);** subdivision one of section 265.03 (criminal possession of a weapon in the second degree); subdivision one of section 265.04 (criminal possession of a weapon 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.

§ 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 240.80 (aggravated falsely reporting an incident in the third degree), section 240.81 (aggravated falsely reporting an incident in the second degree), or section 240.82 (aggravated 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 crimi-

nal 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. Subdivision 3 of section 75 of the executive law is amended by adding two new paragraphs (a-1) and (c-1) to read as follows:

(a-1) receive and investigate complaints or reports from any source, or upon the deputy attorney general's own initiative, concerning any allegations involving falsely reporting an incident pursuant to article two hundred forty of the penal law;

(c-1) establish a public, searchable database of all officers or employees of covered agencies who have been convicted under section 240.80 (aggravated falsely reporting an incident in the third degree), section 240.81 (aggravated falsely reporting an incident in the second degree) and section 240.82 (aggravated falsely reporting an incident in the first degree) of the penal law where such officer or employee committed the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, religion, gender, disability, sexual orientation, gender identity or expression, or ethnicity of a person, regardless of whether the belief or perception is correct. Such database shall include the name and a photo of the officer or employee who committed the offense;

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

§ 76. False reporting database. The office of the attorney general shall establish a public, searchable database of all convictions under section 240.80 (aggravated falsely reporting an incident in the third degree), section 240.81 (aggravated falsely reporting an incident in the second degree) and section 240.82 (aggravated 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, religion, gender, disability, sexual orientation, gender identity or expression, or ethnicity of a person, regardless of whether the belief or perception is correct. Such database shall include the name and a photo of the officer or employee who committed the offense.

§ 8. Section 160.50 of the criminal procedure law is amended by adding a new subdivision 6 to read as follows:

6. The prosecutor shall provide a comprehensive report to the defendant or the defendant's attorney within five days following the dismissal or other termination in favor of the defendant of any criminal action or proceeding related to a violation of section 240.80 (aggravated falsely reporting an incident in the third degree), section 240.81 (aggravated falsely reporting an incident in the second degree), or section 240.82

(aggravated falsely reporting an incident in the first degree) of the penal law, regardless of the legal basis for such dismissal or termination, including but not limited to procedural, technical, constitutional, evidentiary, jurisdictional, statutory, or discretionary grounds. The comprehensive report shall include: (a) the explicit identity of the accuser; (b) whether the accuser changed their mind about testifying; (c) whether the accuser possessed any supporting evidence to back up the original claim; and (d) all unredacted police reports, incident reports, 911 call records, and related law enforcement records connected to the criminal action or proceeding, including any reports or records relied upon, referenced, or used in connection with the investigation, arrest, prosecution, or termination of the case.

§ 9. Subdivision 3 of section 30.10 of the criminal procedure law is amended by adding a new paragraph (i) to read as follows:

(i) A prosecution for any felony defined in sections 240.80, 240.81, and 240.82 of the penal law relating to aggravated falsely reporting an incident may be commenced at any time.

§ 10. The section heading of section 214 of the civil practice law and rules, as separately amended by chapters 485 and 682 of the laws of 1986, is amended and a new subdivision 8 is added to read as follows:

Actions to be commenced within three years: for non-payment of money collected on execution; for penalty created by statute; to recover chattel; for injury to property; for personal injury; for malpractice other than medical, dental or podiatric malpractice; to annul a marriage on the ground of fraud; or for falsely reporting an incident.

8. an action to recover damages as a result of conduct that results in a conviction under section 240.80 (aggravated falsely reporting an incident in the third degree), section 240.81 (aggravated falsely reporting an incident in the second degree), or section 240.82 (aggravated falsely reporting an incident in the first degree) of the penal law; provided, however, that an action to recover damages as a result of such conduct that results in such a conviction may be commenced beyond such three-year time limit if the victim of such conduct provides proof that one or more of the following hardships prevented the victim from filing an action within the three-year time limit:

(a) Lack of knowledge of the three-year time limit;

(b) Delayed discovery of injury or harm;

(c) Mental or physical incapacity;

(d) Being a minor at the time of the incident;

(e) Pending investigations or criminal proceedings;

(f) Court closures or emergencies;

(g) Difficulty finding an attorney or gathering evidence;

(h) Fear of retaliation or intimidation;

(i) Lack of access to financial or legal resources;

(j) Police obstruction or refusal to file a report;

(k) New evidence discovered that was previously unknown or suppressed; or

(l) Freedom of information requests denied by police or the district attorney's office for police reports, court records, court investigations, or sealed records related to the victim's case.

§ 11. This act shall take effect immediately.