

STATE OF NEW YORK

1923

2025-2026 Regular Sessions

IN SENATE

January 14, 2025

Introduced by Sens. WEBER, OBERACKER -- 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 prohibiting falsely reporting an incident and/or making a terroristic threat which include claims of a deadly weapon or dangerous instrument being involved or which threaten a school or place of worship

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

1 Section 1. Section 240.55 of the penal law, as amended by chapter 477
2 of the laws of 1989, subdivisions 1 and 2 as amended by chapter 561 of
3 the laws of 1999, subdivision 3 as added by chapter 301 of the laws of
4 2001 and as renumbered by chapter 302 of the laws of 2001, and the clos-
5 ing paragraph as amended by chapter 301 of the laws of 2001, is amended
6 to read as follows:
7 § 240.55 Falsely reporting an incident in the second degree.
8 A person is guilty of falsely reporting an incident in the second
9 degree when, knowing the information reported, conveyed or circulated to
10 be false or baseless, [~~he or she~~] such person:
11 1. Initiates or circulates a false report or warning of an alleged
12 occurrence or impending occurrence of a fire, explosion, the use or
13 possession of a deadly weapon or dangerous instrument by an individual,
14 or the release of a hazardous substance under circumstances in which it
15 is not unlikely that public alarm or inconvenience will result;
16 2. Reports, by word or action, to any official or quasi-official agen-
17 cy or organization having the function of dealing with emergencies
18 involving danger to life or property, an alleged occurrence or impending
19 occurrence of a fire, explosion, the use or possession of a deadly weap-
20 on or dangerous instrument by an individual or individuals, or the
21 release of a hazardous substance which did not in fact occur or does not
22 in fact exist; or

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

LBD03498-01-5

1 3. Knowing the information reported, conveyed or circulated to be
2 false or baseless and under circumstances in which it is likely public
3 alarm or inconvenience will result, [~~he or she~~] such person initiates or
4 circulates a report or warning of an alleged occurrence or an impending
5 occurrence of a fire, an explosion, the use or possession of a deadly
6 weapon or dangerous instrument by an individual or individuals, or the
7 release of a hazardous substance upon any private premises.

8 Falsely reporting an incident in the second degree is a class E felo-
9 ny.

10 § 2. The penal law is amended by adding a new section 240.60-a to read
11 as follows:

12 § 240.60-a Falsely reporting an incident at a school or place of
13 worship.

14 1. A person is guilty of falsely reporting an incident at a school or
15 place of worship when such person, knowing the information reported,
16 conveyed or circulated to be false or baseless and under circumstances
17 in which it is likely public alarm or inconvenience will result, such
18 person initiates or circulates a report or warning of an alleged occur-
19 rence or impending occurrence of a fire, explosion, the use or
20 possession of a deadly weapon or dangerous instrument by an individual
21 or individuals in or upon school or a place of worship.

22 2. For the purposes of this section, the term "school" includes any
23 building or grounds, owned or leased, of any educational institutions,
24 colleges and universities, licensed private career schools, school
25 districts, public schools, private schools licensed under article one
26 hundred one of the education law, charter schools, non-public schools,
27 board of cooperative educational services, special act schools,
28 preschool special education programs, private residential or non-resi-
29 dential schools for the education of students with disabilities, and any
30 state-operated or state-supported schools.

31 Falsely reporting an incident at a school or place of worship is a
32 class C felony.

33 § 3. Section 490.20 of the penal law, as added by chapter 300 of the
34 laws of 2001, is amended to read as follows:

35 § 490.20 Making a terroristic threat in the second degree.

36 1. A person is guilty of making a terroristic threat in the second
37 degree when with intent to intimidate or coerce a civilian population,
38 influence the policy of a unit of government by intimidation or coercion,
39 or affect the conduct of a unit of government by murder, assassi-
40 nation or kidnapping, [~~he or she~~] such person threatens to commit or
41 cause to be committed a specified offense and thereby causes a reason-
42 able expectation or fear of the imminent commission of such offense.

43 2. It shall be no defense to a prosecution pursuant to this section
44 that the defendant did not have the intent or capability of committing
45 the specified offense or that the threat was not made to a person who
46 was a subject thereof.

47 Making a terroristic threat in the second degree is a class D felony.

48 § 4. The penal law is amended by adding a new section 490.22 to read
49 as follows:

50 § 490.22 Making a terroristic threat in the first degree.

51 1. A person is guilty of making a terroristic threat in the first
52 degree when with intent to intimidate, coerce, threaten or alarm a
53 civilian population, such person threatens to commit or cause to be
54 committed a specified offense upon school grounds or a place of worship,
55 and thereby causes a reasonable expectation or fear of the imminent
56 commission of such offense.

1 2. For the purposes of this section, the term "school" includes any
2 building or grounds, owned or leased, of any educational institutions,
3 colleges and universities, licensed private career schools, school
4 districts, public schools, private schools licensed under article one
5 hundred one of the education law, charter schools, non-public schools,
6 board of cooperative educational services, special act schools,
7 preschool special education programs, private residential or non-resi-
8 dential schools for the education of students with disabilities, and any
9 state-operated or state-supported schools.

10 3. It shall be no defense to a prosecution pursuant to this section
11 that the defendant did not have the intent or capability of committing
12 the specified offense.

13 Making a terroristic threat in the first degree is a class C felony.

14 § 5. Paragraphs (b) and (c) of subdivision 1 of section 70.02 of the
15 penal law, paragraph (b) as amended by chapter 94 of the laws of 2020
16 and paragraph (c) as amended by chapter 23 of the laws of 2024, are
17 amended to read as follows:

18 (b) Class C violent felony offenses: an attempt to commit any of the
19 class B felonies set forth in paragraph (a) of this subdivision; aggra-
20 vated criminally negligent homicide as defined in section 125.11, aggra-
21 vated manslaughter in the second degree as defined in section 125.21,
22 aggravated sexual abuse in the second degree as defined in section
23 130.67, assault on a peace officer, police officer, firefighter or emer-
24 gency medical services professional as defined in section 120.08,
25 assault on a judge as defined in section 120.09, gang assault in the
26 second degree as defined in section 120.06, strangulation in the first
27 degree as defined in section 121.13, aggravated strangulation as defined
28 in section 121.13-a, burglary in the second degree as defined in section
29 140.25, robbery in the second degree as defined in section 160.10,
30 falsely reporting an incident at a school or place of worship as defined
31 in section 240.60-a, criminal possession of a weapon in the second
32 degree as defined in section 265.03, criminal use of a firearm in the
33 second degree as defined in section 265.08, criminal sale of a firearm
34 in the second degree as defined in section 265.12, criminal sale of a
35 firearm with the aid of a minor as defined in section 265.14, aggravated
36 criminal possession of a weapon as defined in section 265.19, soliciting
37 or providing support for an act of terrorism in the first degree as
38 defined in section 490.15, making a terroristic threat in the first
39 degree as defined in section 490.22, hindering prosecution of terrorism
40 in the second degree as defined in section 490.30, and criminal
41 possession of a chemical weapon or biological weapon in the third degree
42 as defined in section 490.37.

43 (c) Class D violent felony offenses: an attempt to commit any of the
44 class C felonies set forth in paragraph (b) of this subdivision; reck-
45 less assault of a child as defined in section 120.02, assault in the
46 second degree as defined in section 120.05, menacing a police officer or
47 peace officer as defined in section 120.18, stalking in the first
48 degree, as defined in subdivision one of section 120.60, strangulation
49 in the second degree as defined in section 121.12, rape in the second
50 degree as defined in section 130.30, a crime formerly defined in section
51 130.45, sexual abuse in the first degree as defined in section 130.65,
52 course of sexual conduct against a child in the second degree as defined
53 in section 130.80, aggravated sexual abuse in the third degree as
54 defined in section 130.66, facilitating a sex offense with a controlled
55 substance as defined in section 130.90, labor trafficking as defined in
56 paragraphs (a) and (b) of subdivision three of section 135.35, criminal

1 possession of a weapon in the third degree as defined in subdivision
2 five, six, seven, eight, nine or ten of section 265.02, criminal sale of
3 a firearm in the third degree as defined in section 265.11, intimidating
4 a victim or witness in the second degree as defined in section 215.16,
5 soliciting or providing support for an act of terrorism in the second
6 degree as defined in section 490.10, and making a terroristic threat in
7 the second degree as defined in section 490.20, falsely reporting an
8 incident in the first degree as defined in section 240.60, placing a
9 false bomb or hazardous substance in the first degree as defined in
10 section 240.62, placing a false bomb or hazardous substance in a sports
11 stadium or arena, mass transportation facility or enclosed shopping mall
12 as defined in section 240.63, aggravated unpermitted use of indoor pyro-
13 technics in the first degree as defined in section 405.18, and criminal
14 manufacture, sale, or transport of an undetectable firearm, rifle or
15 shotgun as defined in section 265.50.

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