STATE OF NEW YORK

7215

2025-2026 Regular Sessions

IN ASSEMBLY

March 21, 2025

Introduced by M. of A. RAMOS -- read once and referred to the Committee on Codes

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, in relation to notifying persons of the termination of certain criminal actions or proceedings

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 "universal stop false police reporting 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 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.

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

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§ 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.

§ 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 criminal 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 a new paragraph (c-1) to read as follows:

(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;

§ 7. The executive law is amended by adding a new section 837-y to read as follows:

§ 837-y. False reporting database. The division 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.

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

6. In the case of the termination of a criminal action or proceeding against a person in favor of such person where the criminal action or proceeding is being terminated due 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, the prosecutor shall notify such person by providing such person with unredacted copies of any police reports related to the criminal action or proceeding that was terminated and a detailed written explanation of the reason such criminal action or proceeding is being terminated. The written explanation shall, at a minimum, disclose the identity of the accuser and include an explanation of whether the accuser changed their mind about testifying or providing evidence to support their claim. Such notification shall be provided to the person or such person's attorney within five days of the dismissal of such criminal action or proceeding.

§ 9. This act shall take effect immediately.