

STATE OF NEW YORK

175

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. GALLIVAN, BORRELLO, GRIFFO, HELMING, LANZA, MATTERA, MURRAY, OBERACKER, O'MARA, ORTT, PALUMBO, RHOADS, STEC, TEDISCO, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the criminal procedure law, in relation to creating the crime of aggravated offering of a false accusation against a police officer

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

Section 1. The penal law is amended by adding a new section 240.64 to read as follows:

§ 240.64 Aggravated offering of a false accusation against a police officer or peace officer.

A person is guilty of aggravated offering of a false accusation against a police officer or peace officer when, knowing the information reported to be false or baseless, such person reports, by word or action, to a law enforcement officer or agency, the wrongdoing by a police officer or peace officer in the performance of such officer's duties. Under this section, police officer and peace officer are as defined under section 1.20 of the criminal procedure law.

Aggravated offering of a false accusation against a police officer or peace officer is a class D felony.

§ 2. Paragraphs (t) and (u) of subdivision 4 of section 510.10 of the criminal procedure law, paragraph (t) as amended and paragraph (u) as added by section 2 of subpart B of part UU of chapter 56 of the laws of 2022, are amended and a new paragraph (v) is added to read as follows:

(t) any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law, where such charge arose from conduct occurring while the defendant was released on

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

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1 ~~[his or her]~~ **their** own recognizance, released under conditions, or had
2 yet to be arraigned after the issuance of a desk appearance ticket for a
3 separate felony or class A misdemeanor involving harm to an identifiable
4 person or property, or any charge of criminal possession of a firearm as
5 defined in section 265.01-b of the penal law, provided, however, that
6 the prosecutor must show reasonable cause to believe that the defendant
7 committed the instant crime and any underlying crime. For the purposes
8 of this subparagraph, any of the underlying crimes need not be a quali-
9 fying offense as defined in this subdivision. For the purposes of this
10 paragraph, "harm to an identifiable person or property" shall include
11 but not be limited to theft of or damage to property. However, based
12 upon a review of the facts alleged in the accusatory instrument, if the
13 court determines that such theft is negligible and does not appear to be
14 in furtherance of other criminal activity, the principal shall be
15 released on ~~[his or her]~~ **their** own recognizance or under appropriate
16 non-monetary conditions; ~~[or]~~

17 (u) criminal possession of a weapon in the third degree as defined in
18 subdivision three of section 265.02 of the penal law or criminal sale of
19 a firearm to a minor as defined in section 265.16 of the penal law~~[-];~~

20 **or**

21 **(v) aggravated offering of a false accusation against a police officer**
22 **or peace officer as defined in section 240.64 of the penal law.**

23 § 3. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of
24 section 530.20 of the criminal procedure law, subparagraph (xx) as
25 amended and subparagraph (xxi) as added by section 4 of subpart C of
26 part UU of chapter 56 of the laws of 2022, are amended and a new subpar-
27 agraph (xxii) is added to read as follows:

28 (xx) any felony or class A misdemeanor involving harm to an identifi-
29 able person or property, or any charge of criminal possession of a
30 firearm as defined in section 265.01-b of the penal law where such
31 charge arose from conduct occurring while the defendant was released on
32 ~~[his or her]~~ **their** own recognizance, released under conditions, or had
33 yet to be arraigned after the issuance of a desk appearance ticket for a
34 separate felony or class A misdemeanor involving harm to an identifiable
35 person or property, provided, however, that the prosecutor must show
36 reasonable cause to believe that the defendant committed the instant
37 crime and any underlying crime. For the purposes of this subparagraph,
38 any of the underlying crimes need not be a qualifying offense as defined
39 in this subdivision. For the purposes of this paragraph, "harm to an
40 identifiable person or property" shall include but not be limited to
41 theft of or damage to property. However, based upon a review of the
42 facts alleged in the accusatory instrument, if the court determines that
43 such theft is negligible and does not appear to be in furtherance of
44 other criminal activity, the principal shall be released on ~~[his or her]~~
45 **their** own recognizance or under appropriate non-monetary conditions;
46 ~~[or]~~

47 (xxi) criminal possession of a weapon in the third degree as defined
48 in subdivision three of section 265.02 of the penal law or criminal sale
49 of a firearm to a minor as defined in section 265.16 of the penal
50 law~~[-];~~ **or**

51 **(xxii) aggravated offering of a false accusation against a police**
52 **officer or peace officer as defined in section 240.64 of the penal law.**

53 § 4. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
54 criminal procedure law, paragraph (t) as amended and paragraph (u) as
55 added by section 4 of subpart B of part UU of chapter 56 of the laws of
56 2022, are amended and a new paragraph (v) is added to read as follows:

(t) any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law, where such charge arose from conduct occurring while the defendant was released on ~~his or her~~ their own recognizance, released under conditions, or had yet to be arraigned after the issuance of a desk appearance ticket for a separate felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law, provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision. For the purposes of this paragraph, "harm to an identifiable person or property" shall include but not be limited to theft of or damage to property. However, based upon a review of the facts alleged in the accusatory instrument, if the court determines that such theft is negligible and does not appear to be in furtherance of other criminal activity, the principal shall be released on ~~his or her~~ their own recognizance or under appropriate non-monetary conditions; ~~or~~

(u) criminal possession of a weapon in the third degree as defined in subdivision three of section 265.02 of the penal law or criminal sale of a firearm to a minor as defined in section 265.16 of the penal law~~[-]~~;
or

(v) aggravated offering of a false accusation against a police officer or peace officer as defined in section 240.64 of the penal law.

§ 5. This act shall take effect on the thirtieth day after it shall have become a law.