STATE OF NEW YORK

3999

2025-2026 Regular Sessions

IN SENATE

January 31, 2025

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, the executive law and the civil rights law, in relation to enacting the "New York accountability in reporting act"

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 "New York accountability in reporting act".

§ 2. The penal law is amended by adding two new sections 175.50 and 175.55 to read as follows:

§ 175.50 Offering a false report for filing in the second degree.

A person is guilty of offering a false report for filing in the second degree when, having previously been disciplined by their employer for filing a false report, and knowing that a written report contains a false statement or information about another person, 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 such other person, the person offers or presents such report to their employer with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such employer. For the purposes of this section, "person" means an individual employed by any state or municipal office, agency or department.

Offering a false report for filing in the second degree is a class A misdemeanor.

§ 175.55 Offering a false report for filing in the first degree.

A person is guilty of offering a false report for filing in the first degree when having previously been convicted of offering a false report for filing in the second degree and having previously been placed on unpaid leave by their employer for filing a later false report, such

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

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person, knowing that a written report contains a false statement or information about another person, 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 such other person, offers or presents such report to their employer with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such employer. For the purposes of this section, "person" means an individual employed by any state or municipal office, agency or department.

Offering a false report for filing in the first degree is a class E felony.

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

§ 76. False reporting database. The attorney general shall establish a public, searchable database of all convictions under section 175.50 (offering a false report for filing in the second degree), section 175.55 (offering a false report for filing 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), and section 240.60 (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, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

§ 4. 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 175.50 (offering a false report for filing in the second degree), section 175.55 (offering a false report for filing 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), and section 240.60 (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.

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