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Committee Assignment: Assembly Liberty 2

Bill #: AL-13

1 **Sponsors:** Jordan Amaya, Emilia Brandimarte, Jack Lacey

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3 **An Act To**

4 Amend § 210.20, by adding subdivision 4 of the New York State Penal Law to make
5 trials mandatory for people who have falsely accused someone of rape or sexual
6 assault.

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

10
11 **Purpose**

12 To make trials mandatory for the accusers of sexual assault that have been proven
13 false by the court system on charges of perjury.

14 **Summary of Provisions**

15 **Section 1: Definitions**

16 **Perjury:** the offense of willfully telling an untruth in court after having taken an oath
17 or affirmation.

18 **Sexual Assault:** any type of sexual contact or behavior that occurs without explicit
19 consent of either partner.

20 **False Allegations:** when there is insufficient supporting evidence to determine
21 whether an accusation is true or false in court.

22 **Under Oath:** having sworn to tell the truth in a court of law.

23 **Section 2:**

24 § 210.20. Perjury; pleading and proof where inconsistent statements involved.

25 Where a person has made two statements under oath which are inconsistent to the
26 degree that one of them is necessarily false, where the circumstances are such that
27 each statement, if false, is perjurally so, and where each statement was made
28 within the jurisdiction of this state and within the period of the statute of limitations
29 for the crime charged, the inability of the people to establish specifically which of
30 the two statements is the false one does not preclude a prosecution for perjury, and
31 such prosecution may be conducted as follows:

32 1.) The indictment or information may set forth the two statements and, without
33 designating either, charge that one of them is false and perjurally made.

34 2.) The falsity of one or the other of the two statements may be established by
35 proof or a showing of their irreconcilable inconsistency.

36 3.) The highest degree of perjury of which the defendant may be convicted is
37 determined by hypothetically assuming each statement to be false and perjurally.
38 If under such circumstances perjury of the same degree would be established by
39 the making of each statement, the defendant may be convicted of that degree at
40 most. If perjury of different degrees would be established by the making of the two
41 statements, the defendant may be convicted of the lesser degree at most.

42 **4.) A person who has falsely reported an individual of sexual assault or rape is**
43 **guilty of perjury and will be tried as such.**

44 **Justification**

45 During trials an accusation will be taken more seriously if there are more inevitable
46 punishments that would discourage accusations that are incorrect and false. Up to
47 two to ten percent of sexual assault allegations are false, however those
48 accusations can lead to the ruining of careers and lives of innocent people without
49 justice for either true victims of sexual assault or victims of false allegations. Even
50 one person that has this crime committed against them is affected by it greatly and
51 the impact will last throughout the rest of their life. Since 1989, only fifty-two
52 people have been exonerated from false accusations of sexual assault. Even if the
53 rate of exoneration in these victims had had been higher, it still would not have had
54 much of an impact on the victims' ruined reputation and occupation. This Bill would
55 do far more to prevent situations like these from occurring in the first place, and be
56 significantly more effective than if the punishment for these crimes were raised.
57 This is because there will be an inevitable trial and punishment for the people who
58 have committed this crime. The biggest problem with false allegations is that they
59 are often unnoticed and swept under the rug, which will be prevented by this bill.

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61 **Fiscal Implications**

62 Two to ten percent of rape accusations are false, which is approximately forty-three
63 thousand more cases per year. A court case costs the state around one hundred
64 thousand dollars to three hundred and twenty thousand dollars.

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66 **Effective Date**

67 This bill will go into effect one year after its passage.