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RECEIVED  
ERIE COUNTY LEGISLATURE

A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS KUWIK, SWANICK, PEOPLES, MARINELLI, ~~DUSZA, FISHER~~  
DEBENEDETTI, HOLT, FITZPATRICK, OLMA, GREENAN, CHASE,  
MARSHALL, PAULY, WEINSTEIN, RANZENHOFER & LARSON

**RE: INCREASING THE PENALTY FOR FALSE REPORTING OF AN  
INCIDENT INVOLVING HAZARDOUS BIOLOGICAL OR CHEMICAL  
AGENTS TO A FELONY**

WHEREAS, incidents which are reported to authorities concerning the release of any type of hazardous substance are always treated with utmost concern for persons who may have come in contact with that substance, and

WHEREAS, in all instances, including recent reports of threats of exposure to anthrax, hazardous materials crews, police and fire agencies all must respond in the belief that the threat is genuine, and in doing so expend significant amounts of financial and manpower resources in ensuring the safety of persons involved, and

WHEREAS, incidents that eventually turn up to have been falsely reported cause a significant strain upon these agencies on both a financial and manpower basis, and contribute to a great deal of stress and uncertainty among local residents, and

WHEREAS, in Erie County's case, over the past few months, several separate incidents have been falsely reported, incidents which have cost county taxpayers several hundred thousand dollars to cover the necessary work completed by emergency services personnel and other agencies, and

WHEREAS, at present, New York state penal law does not provide for a specific felony offense for the false reporting of an incident involving hazardous biological or chemical agents, and

WHEREAS, existing statutes that cover these false reports establish crimes that constitute misdemeanors which at their full effect carry minimal jail time and could be pled down to simple probation, offering no real deterrent effect, and

WHEREAS, members of the New York State Assembly have drafted and introduced legislation (A.3091) that would establish a new section 240.62 of the penal law for falsely reporting an incident involving hazardous biological or chemical agents, and

WHEREAS, in light of the tremendous cost of responding to repeated false reports of incidents involving anthrax, and in consideration of the potential deterrent effect such legislation may engender, this legislature would be advised to demonstrate local support for such legislation,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby condemn the recent spate of falsely reported incidents involving anthrax, and be it further

RESOLVED, that this Honorable Body does hereby commend the work of county and local police, fire, emergency services and hazardous materials removal personnel that have valiantly investigated each and every such incident, at great personal risk, and be it further

RESOLVED, that this Honorable Body does hereby call upon the New York State Assembly to consider and approve Assembly bill A.3091, thereby making the false reporting of incidents involving hazardous biological or chemical agents a class E felony, and does further call upon the State Senate to draft, consider and adopt companion legislation and does further urge Governor Pataki to sign such legislation into law, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George E. Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the local delegation to the State Assembly and State Senate, County Executive Dennis T. Gorski, Sheriff Patrick M. Gallivan, and to Emergency Services Commissioner Michael Walters.

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EDWARD J. KUWIK

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CHARLES M. SWANICK

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CRYSTAL D. PEOPLES

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LYNN M. MARINELLI

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RAYMOND K. DUSZA

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JUDITH P. FISHER

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ALBERT DEBENEDETTI

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GEORGE A. HOLT, JR.

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MICHAEL A. FITZPATRICK

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GREGORY B. OLMA

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JOHN W. GREENAN

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JEANNE Z. CHASE

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FREDERICK J. MARSHALL

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WILLIAM A. PAULY

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BARRY A. WEINSTEIN, MD

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MICHAEL H. RANZENHOFER

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DALE W. LARSON

Fiscal Impact:       None for Resolution.



01/25/99

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07708-01-9

1 Section 1. The penal law is amended by adding a new section 240.62 to  
2 read as follows:

3 § 240.62 Falsely reporting an incident involving hazardous biological or  
4 chemical agents.

5 A person is guilty of falsely reporting an incident involving hazard-  
6 ous biological or chemical agents when, knowing the information  
7 reported, conveyed or circulated to be false or baseless, he or she:

8 1. Initiates or circulates a false report or warning of the alleged  
9 presence of a hazardous biological or chemical agent under circumstances  
10 in which it is not unlikely that public alarm or inconvenience will  
11 result; or

12 2. Reports, by word or action, to any official or quasi-official agen-  
13 cy or organization having the function of dealing with emergencies  
14 involving danger to life or property, the alleged presence of a hazard-  
15 ous biological or chemical agent which does not in fact exist.

16 For the purposes of this section, "hazardous biological or chemical  
17 agent" shall mean any micro-organism, virus, infectious substance, or  
18 biological product, including anthrax or a related substance, or any  
19 toxic substance or poisonous chemical, exposure to which is likely to  
20 cause serious physical injury or death.

21 Falsely reporting an incident involving hazardous biological or chemi-  
22 cal agents is a class E felony.

23 § 2. This act shall take effect on the first day of November next  
24 succeeding the date on which it shall have become a law.