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C O N F I D E N T I A L

STATE OF NEW YORK

TEMPORARY COMMISSION ON REVISION

OF THE

PENAL LAW AND CRIMINAL CODE

The following material, prepared by the staff for consideration by the Commission, constitutes re-drafts and formulations of some provisions of Tentative Draft Revision of the Penal Law, dated October 11,1963.

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C O N F I D E N T I A L

(New) §170.26 Fortune telling

A person is guilty of fortune telling when, for a fee or compensation which he directly or indirectly solicits or receives, he claims or pretends to tell fortunes, or holds himself out as being able, by claimed or pretended use of occult powers, to answer questions or give advice on personal matters or to exorcise, influence or affect evil spirits or curses; except that this section does not apply to one who engages in the aforedescribed conduct as part of a show or exhibition solely for the purpose of entertainment or amusement and without personal fee or compensation.

Fortune telling is a class B misdemeanor.

§175.00 Forgery; definitions of terms

Written instrument means any paper, document or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying,conveying or recording information, and any money, token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.

Complete written instrument means one which purports to be a genuine written instrument fully drawn with respect to every essential feature thereof.

Incomplete written instrument means one which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument.

Falsely make a written instrument means to make or draw a complete written instrument in its entirety, or an incomplete written instrument, which purports to be an authentic creation of its ostensible maker, but which is not such either because the ostensible maker is fictitious or because, if real, he did not authorize the making or drawing thereof.

Falsely complete. One "falsely completes" a written instrument when, by adding, inserting or changing matter, he transforms an incomplete written instrument into a complete one, without the authority of anyone entitled to grant it, so that such complete instrument falsely appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible maker.

Falsely alter. One "falsely alters" a written instrument when, without the authority of anyone entitled to grant it, he changes a written instrument, whether it be in complete or incomplete form, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner, so that such instrument in its thus altered form falsely appears or purports to be in all respects an authentic creation of or fully

authorized by its ostensible maker.

Forged instrument means a written instrument which has been falsely made, completed or altered.

§175.35 Criminal possession of a forged instrument; persons liable

A person may not be convicted of both forgery and criminal possession of a forged instrument with respect to the same instrument.

§175.40 Criminal possession of forgery devices

(Insert word "unlawfully" before word "simulating".)

§175.50 Using slugs; definitions of terms

Coin machine. (Insert words "or bill" after word "coin".)

§175.55 Using slugs in the second degree

A person is guilty of using slugs in the second degree when:

1. With intent to defraud the vendor of property or a service sold by means of a coin machine, he inserts, deposits or uses a slug in such machine. [Such use of a slug is presumptive evidence of such intent to defraud]; or

2. He makes, possesses or disposes of a slug or slugs with intent to enable a person to use it or them fraudulently in a coin machine.

Using slugs in the second degree is a class A misdemeanor.

§175.60 Using slugs in the first degree

A person is guilty of using slugs in the first degree when (a) he makes, possesses or disposes of slugs with intent to enable a person to use them fraudulently in a coin machine, and (b) the value of such slugs exceeds one hundred dollars.

Using slugs in the first degree is a class E felony.

§180.00 Falsifying business records; definitions of terms

Enterprise means any entity of one or more persons, corporate or otherwise, public or private, engaged in business, commercial, professional, industrial, eleemosynary, social, political or governmental activity.

Business record means any account, book of accounts, ledger or other writing or article kept or maintained by an enterprise for the purpose of evidencing or reflecting its condition or activity.

§180.05 Falsifying business records in the second degree

A person is guilty of falsifying business records in the second degree when, with intent to defraud, he:

1. Makes or causes a false entry in the business records of an enterprise; or

2. Erases, obliterates, deletes, removes or destroys a true entry in the business records of an enterprise; or

3. Omits to make a true entry in the business records of an enterprise in violation of a duty to do so which he knows to be imposed upon him by law or by the nature of his position; or

4. Prevents the making of a true entry or causes the omission thereof in the records of an enterprise.

Falsifying business records in the second degree is a class A misdemeanor.

§180.10 Falsifying business records in the first degree

A person is guilty of falsifying business records in the first degree when he commits the crime of falsifying business records in the second degree, and when his intent to defraud consists of an intent to commit a crime or to aid or conceal the commission thereof.

Falsifying business records in the first degree is a class D [E] felony.

§180.20 and §180.25 Tampering with public records

(Second line of each section. In place of the words "without the authority" substitute "knowing that he does not have the authority.")

§180.40 Issuing a false certificate

(Consider classifying this offense as a class D felony, i. e., conform to the penalty classification of §180.25.)

§180.50 Issuing a false financial statement

(In subd. 2, eliminate words "either orally" in first line. Also, change word "depicting" in second line to either "describing" or "respecting.")

§185.15 Bribing a labor official

A person is guilty of bribing a labor official when, with intent to influence a labor official in respect to any of his acts, decisions or duties as such labor official, he confers or offers or agrees to confer any benefit upon him.

Bribing a labor official is a class E felony.

§185.20 Bribe receiving by a labor official

A labor official is guilty of bribe receiving by a labor official when he solicits, accepts or agrees to accept any benefit from another person upon an understanding that such benefit will influence him in respect to any of his acts, decisions, or other duties as such labor official.

Bribe receiving by a labor official is a class E felony.

§185.45 Rent gouging

A person is guilty of rent gouging when, in connection with the leasing, rental or use of real property, he directly or indirectly accepts, agrees to accept, demands or solicits from a person some consideration of value, in addition to lawful rental and other lawful charges, upon a representation or understanding that the furnishing of such consideration will increase the possibility that some person may obtain the lease, rental or use of such property, or that a failure to furnish it will decrease the possibility that some person may obtain the same.

Rent gouging is a class A misdemeanor.

§195.05 Issuing a bad check

A person is guilty of issuing a bad check when:

1. (a) As a drawer or representative drawer, he utters a check knowing at the time of utterance that he or his principal,

as the case may be, does not then have sufficient funds with the drawee to cover it, and (b) He intents or believes at the time of utterance that payment will be refused by the drawee upon presentation, and (c) payment is refused by the drawee upon presentation; or

2. (a) He passes a check knowing that the drawer thereof does not then have sufficient funds with the drawee to cover it, and (b) he then intends or believes that payment will be refused by the drawee upon presentation, and (c) payment is refused by the drawee upon presentation.

Issuing a bad check is a class A misdemeanor.

§195.10 Issuing a bad check; presumptions

1. When the drawer of a check has insufficient funds with the drawee to cover it at the time of utterance, the subscribing drawer or representative drawer, as the case may be, is presumed to know of such insufficiency.

2. A subscribing drawer or representative drawer of an ultimately dishonored check is presumed to have intended or believed that the check would be dishonored upon presentation when:

(a) The drawer had no account with the drawee at the time of utterance; or

(b) (i) The drawer had insufficient funds with the drawee at the time of utterance, and (ii) the check was presented to the drawee for payment not more than thirty days after the date of utterance, and (iii) the drawer had insufficient funds with the drawee at the time of presentation.

3. Dishonor of a check by the drawee and insufficiency of the drawer's funds at the time of presentation may properly be proven by introduction in evidence of a notice of protest of the check, or of a certificate under oath of an authorized representative of the drawee declaring the dishonor and insufficiency, and such proof shall constitute presumptive evidence of such dishonor and insufficiency.

§195.11 Issuing a bad check; defenses

It is a defense to a prosecution for issuing a bad check that:

1. The defendant or a person acting in his behalf made good the amount of the check within ten days after dishonor by the drawee; or

2. The defendant, in acting as a representative drawer, did so as any employee merely executing the instructions of his employer or of a superior officer or employee of his organization.

(New) §195.12 False advertising in the second degree

A person is guilty of false advertising in the second degree when, with intent to promote the sale or to increase the consumption of property or services, he makes or causes to be made a false or misleading statement in any advertisement addressed to the public or to a substantial segment thereof.

False advertising in the second degree is a [class B misdemeanor] [violation].

(New) §195.13 False advertising in the first degree

A person is guilty of false advertising in the first degree when, with intent to promote the sale or to increase the consumption of property or services, he knowingly or recklessly makes or causes to be made a false or misleading statement in any advertisement addressed to the public or to a substantial segment thereof

False advertising in the first degree is a class A misdemeanor.

§195.15 Criminal impersonation

(Strike the word "Falsely" in each of the three subdivisions.)

§195.20 Concealing a will

A person is guilty of concealing a will when, with intent to defraud, he conceals, secretes, suppresses, mutilates or destroys a will or codicil [or other testamentary instrument].

Concealing a will is a class E felony.

§200.00 Official misconduct

A public servant is guilty of official misconduct when, with intent to obtain a benefit for himself, or to confer a benefit

upon another person or wrongfully to injure or deprive another person of a benefit:

1. He commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized; or

2. Knowing of the existence of a duty to act imposed upon him by law or clearly inherent in the nature of his office, he consciously refrains from performing such act.

Official misconduct is a class A misdemeanor.

§200.05 Obstructing governmental administration

A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act.

Obstructing governmental administration is a class A misdemeanor.

§200.10 Refusing to aid a peace officer

A person is guilty of refusing to aid a peace officer when, upon command by a peace officer identifiable or identified to him as such, he knowingly refuses or unreasonably fails to aid such

peace officer:

1. In effectuating or securing an arrest; or

2. In preventing the commission by another of any offense.

Refusing to aid a peace officer is a class B misdemeanor.

§200.15 Obstructing firefighting operations

A person is guilty of obstructing firefighting operations when he ~~intentionally~~ knowingly and unreasonably (a) acts in a manner so as to obstruct~~s~~ or impair~~s~~ the efforts of any fireman in extinguishing a fire, or (b) prevents or dissuades another from extinguishing or helping to extinguish a fire.

Obstructing firefighting operations is a class B misdemeanor.

§205.00 Definitions

The term "public servant," as used in sections 205.05, 205.10, 205.20 and 205.25, includes a juror.

The term "party officer," as used in sections 205.35 and 205.40, means a person who holds any position or office in a political party, whether by election, appointment or otherwise.

§205.30 Receiving unlawful gratuities

(Conform body of section to catchline).

§205.31 Giving unlawful gratuities

A person is guilty of giving unlawful gratuities when he confers or offers or agrees to confer any money or other property upon a public servant for performing or having performed an official service which such public servant's duties required him to perform without special or additional compensation.

Giving unlawful gratuities is a class A misdemeanor.

§210.50 Violating conditional release in the second degree

A person is guilty of violating conditional release in the second degree when, having been released from custody, with or without bail, by court order or by other lawful authority, upon condition that he will subsequently appear personally in connection with a criminal action or proceeding, he fails without lawful excuse to appear personally.

Violating conditional release in the second degree is a class A misdemeanor.

§210.55 Violating conditional release in the first degree

A person is guilty of violating conditional release in the first degree when, having been released from custody, with or without bail, by court order or by other lawful authority, upon condition that he will subsequently appear personally in connection with a charge against him of committing a felony, he fails without lawful excuse to appear personally.

Violating conditional release in the first degree is a class E felony.

§215.00 Perjury; definitions of terms

* * * *

Oath required by law

(Change word "official" in last line to "public servant.")

Swear falsely

(Eliminate phrase ",or has no reason to believe," following word "believe."

Eliminate last eight words of first paragraph - "for which an oath is required by law.")

§215.10 Perjury in the second degree

A person who swears falsely is guilty of perjury in the second degree when his false statement is (a) made in a subscribed written instrument for which an oath is required by law, and (b) made with intent to mislead a public servant in the performance of his official functions, and (c) material to the action, proceeding or matter involved.

Perjury in the second degre. is a class E felony.

§215.20 Perjury; pleading and proof where inconsistent statements involved

* * * *

3. The highest degree of perjury of which the defendant may be convicted is determined by hypothetically assuming each statement to be false and perjurious. If under such circumstances perjury of the same degree would be established by the

making of each statement, the defendant may be convicted of that degree at most. If perjury of different degrees would be established by the making of two statements, the defendant may be convicted of the lesser degree at most.

§215.30 Perjury; matters not constituting defense

(Eliminate subd. 4.)

§215.35 When oath is deemed to have been administered and taken

(Elininate. See new §§215.40, 215.41.)

(Present §215.40,or its substance, is transferred to §215.46.)

§215.40 Making an apparently sworn false written statement in the second degree

A person is guilty of making an apparently sworn false written statement in the second degree when (a) he subscribes a written instrument knowing that it contains a statement which is in fact false and which he does not believe to be true, and (b) he intends or believes that such instrument will be uttered or delivered with a jurat affixed thereto, and (c) such instrument is uttered or delivered with a jurat affixed thereto.

Making an apparently sworn false written statement in the second degree is a class A misdemeanor.

§215.41 Making an apparently sworn false written statement in the first degree

A person is guilty of making an apparently sworn false written statement in the first degree when he commits the crime of making an apparently sworn false written statement in the second degree under circumstances which would render him guilty of perjury in the second degree as defined in section 215.10 if the instrument were actually sworn to.

Making an apparently sworn false instrument in the first degree is a class E felony.

§215.45 Making a punishable false written statement

(Eliminate phrase ",or has no reason to believe," following word "believe." Also, raise from class B to class A misdemeanor.)

§215.46 (Old §215.40) Perjury, making an apparently sworn false statement, making a punishable false written statement; requirement of corroboration

In any prosecution for perjury, making an apparently sworn false statement or making a punishable false written statement, falsity of a statement may not be established by the testimony of a single witness, unless such witness be the defendant himself.

§220.15 Tampering with a juror

A person is guilty of tampering with a juror when, with intent to influence the outcome of an action or proceeding, he communicates with a juror in such action or proceeding, except as authorized by law.

Tampering with a juror is a class A misdemeanor.

§220.20 Misconduct by a juror

A juror is guilty of misconduct by a juror when, in relation to an action or proceeding pending or about to be brought before him, he makes a promise to give a verdict, vote, judgment, report, award or decision for or against any party to such action or proceeding.

Misconduct by a joror is a class A misdemeanor.

§§220.35, 220.40 and 220.45 - Delete and substitute the following:

§220.35 Compounding a crime

Except as otherwise provided in sections six hundred sixty-three and six hundred sixty-four of the code of criminal procedure, a person is guilty of compounding a crime when:

1. He accepts, agrees to accept or solicits any benefit for himself or another upon an agreement or understanding that he will refrain from initiating a prosecution for a crime, or that he will delay or in any manner hinder a prosecution for a crime.

2. He confers or offers or agrees to confer a benefit

upon another upon an agreement or understanding that some person will refrain from initiating a prosecution for a crime, or that some person will delay or in any manner hinder a prosecution for a crime.

Compounding a crime is a class A misdemeanor.

§220.50 Criminal contempt

A person is guilty of criminal contempt when he commits any of the following acts:

1. Disorderly, contemptuous, or insolent behavior, committed during the sitting of a court, in its immediate view and presence and directly tending to interrupt its proceedings or to impair the respect due to its authority; or

2. Breach of the peace, noise, or other disturbance, directly tending to interrupt a court's proceedings; or

3. Intentional disobedience or resistance to the lawful process or other mandate of a court except in cases involving or growing out of labor disputes as defined by subdivision two of section seven hundred fifty-three-a of the judiciary law; or

4. Contumacious and unlawful refusal to be sworn as a witness, or, after being sworn, to answer any legal and proper interrogatory; or

5. Knowingly publishing a false or grossly inaccurate report of a court's proceedings; or

6. Intentional failure to obey any mandate, process or notice, issued pursuant to articles sixteen, seventeen, eighteen, eighteen-a or eighteen-b of the judiciary law, or to rules adopted pursuant to any such statute or to any special statute establishing commissioners of jurors and prescribing their duties or who refuses to be sworn as provided therein; or

7. On or along a public street or sidewalk within a radius of two hundred feet of any [building established as a] courthouse, he calls aloud, shouts, holds or displays placards or signs containing written or printed matter, concerning the conduct of a trial being held in such courthouse or the character of the court or jury engaged in such trial or calling for or demanding any specified action or determination by such court or jury in connection with such trial.

Criminal contempt is a class A misdemeanor.

§220.55 Criminal contempt; prosecution and punishment

Adjudication for criminal contempt under subdivision A of section seven hundred fifty of the judiciary law shall not bar a prosecution for the crime of contempt based upon the same conduct under section 220.50 but, upon conviction thereunder, the court, in sentencing the defendant shall take into consideration the previous punishment.

§220.70 Unlawful grand jury disclosure

(Eliminate words "publicizes or" in line 7.)

§220.75 Unlawful disclosure of an indictment

(Consider elimination of the whole offense.)

(The next four sections replace present §§225.05 - 225.15)

§225.05 Criminally possessing narcotics in the third degree

A person is guilty of criminally possessing narcotics in the third degree when he knowingly and unlawfully possesses a narcotic drug.

Criminally possessing narcotics in the third degree is a class A misdemeanor.

§225.10 Criminally possessing narcotics in the second degree

A person is guilty of criminally possessing narcotics in the second degree when he knowingly and unlawfully possesses a narcotic drug:

1. With intent to sell the same; or

2. Consisting of (a) twenty-five or more cigarettes containing cannabis; or (b) one or more preparations, compounds, mixtures, or substances, of an aggregate weight of (i) one eighth ounce or more, containing one per centum or more of the respective alkaloids or salts of heroin, morphine, or codaine, or (ii) one quarter ounce or more, containing any cannabis, or (iii) one-half ounce or more, containing raw or prepared opium, or (iv) one-half ounce or more containing one or more of any of the narcotic drugs as defined in the public health law.

Criminally possessing narcotics in the second degree is a class D felony.

(New) §225.11 Criminally possessing narcotics in the first degree

A person is guilty of criminally possessing narcotics in

the first degree when he knowingly and unlawfully possesses a narcotic drug consisting of (a) one hundred or more cigarettes containing cannabis; or (b) one or more preparations, compounds, mixtures or substances, of an aggregate wieght of (i) one or more ounces, containing one per centum or more of the respective alkaloids or salts of heroin, morphine or cocaine, or (ii) one or more ounces containing any cannabis, or (iii) two or more ounces containing raw or prepared opium, or (iv) two or more ounces containing one or more than one of any of the narcotic drugs as defined in the public health law.

Criminally possessing narcotics in the first degree is a class C felony.

§225.15 Criminally possessing narcotics; presumptions

The presence of a narcotic drug in an automobile, other than a public omnibus, is presumptive evidence of knowing and unlawful possession thereof by each and every person in the automobile at the time such narcotic drug was found; except that such presumption does not apply (a) to a duly licensed operator of an automobile who is at the time operating it for hire in the lawful and proper pursuit of his trade, or (b) to any person in the automobile if one of them, having obtained the drug and not being under duress, is authorized to possess it and such drug is in the same container as when he received possession thereof.

§230.00 Definition of terms

Contest of chance

(Eliminate word "material" in the last line.)

Gambling A person engages in "gambling" when he stakes or risks something of value in or upon the outsome of a contest of chance or upon the outcome of a future contingent event not under his control or influence, upon an agreement or understanding that he will receive or become entitled to receive something of value in the event of a certain outcome. Gambling includes but is not limited to four general types or categories: (a) playing against other persons for stakes in games of chance,(b) playing gambling machines, (c) betting upon the outcome of future contingent events, and (d) participating in lottery contests.

Player

(Change word "purely" in line 2 to "solely.")

Something of value and consideration of value

(Add at end: "or involving extension of service, entertainment or a privilege of playing at a game or scheme without charge.")

Gambling machine

(Eliminate entire definition)

Slot machine

(Change words "gambling machine" in first line to "mechanical device.")

§230.25 Publishing lottery information

(Consider eliminating this offense)

§235.00 Prostitution

A person is guilty of prostitution when he or she commits or submits to, or offers to commit or submit to, any sexual act with or upon another person, whether of a different or of the same sex, in return for a fee or compensation.

Prostitution is a violation.

(Consider a suggestion of trying to limit the offense so that only its public (?) aspects are criminal.)

§235.10 Promoting prostitution in the second [third] degree

(Change "second" degree to "third" degree throughout.)

(New) §235.11 Promoting prostitution in the second degree

A person is guilty of promoting prostitution in the second degree when he knowingly advances or profits from prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes.

Promoting prostitution in the second degree is a class D felony.

§235.15 Promoting prostitution in the first degree

(Eliminate subd. 3.)

§240.00 Obscenity; definitions of terms

Obscene. Any material or performance is "obscene" if (a) considered as a whole, its predominant appeal is to prurient, shameful or morbid interest in nudity, sex, excretion, sadism or mashochism, and (b) it goes substantially beyond customary limits of candor in describing or representing such matters. Predominant appeal shall be judged with reference to ordinary adults unless it appears from the character of the material or the circumstances of its dissemination to be designed for children or other specially susceptible audience.

Material means anything tangible which is capable of being used or adapted to arouse obscene interest, whether through the medium of reading, observation, sound or in any other manner.

Performance means any play, motion picture, dance or other exhibition performed before an audience.

Promote means to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same.

§240.05 Obscenity

A person is guilty of obscenity when, knowing its content and character, he:

1. Promotes, or possesses with intent to promote, any obscene material; or

* * * *

§240.10 Obscenity; presumptions

1. A person who promotes obscene material, or possesses the same with intent to promote it, in the course of his business is presumed to do so with knowledge of its content and character.

2. A person who possesses six or more identical or similar obscene articles is presumed to possess them with knowledge of their content and character and with intent to promote same.

§240.11 Obscenity; defenses

1. It is an affirmative defense to a prosecution for obscenity that those to whom allegedly obscene material was disseminated, or the audience to an allegedly obscene performance, consisted of persons or institutions having scientific, educational, governmental or other similar justification for possessing or viewing the same.

2. It is an affirmative defense to a prosecution for obscenity pursuant to subdivision one of section 240.05 that the persons to whom allegedly obscene material was disseminated were personal associates of the defendant and that such dissemination was not commercial in character.

§240.15 Disseminating indecent material to minors

(Delete last six words of first paragraph - "shall be guilty of a misdemeanor.")

(New) §240.25 Failing to identify a comic book publication

1. Any person who publishes or prints any book, pamphlet or magazine consisting of narrative material in pictorial form, colored or uncolored, and commonly known as comic books, shall have the name and address of such publisher or printer imprinted on such book, pamphlet or magazine.

2. A person is guilty of failing to identify a comic book publication when he violates any duty prescribed in subdivision one of this section.

Failing to identify a comic book publication is a class A misdemeanor.

TITLE N

(Eliminate last two words - "AND SENSIBILITIES.")

§245.00 Riot

(Change word "illegal" in line 3 to "unlawful".)

§245.10 Criminal anarchy

A person is guilty of criminal anarchy when (a) he advocates the overthrow of the existing form of government of this state by violence, or (b) with knowledge of its contents, he publishes, sells or distributes any document which advocates such violent overthrow, or (c) with knowledge of its purpose, he

becomes a member of any organization which advocates such violent overthrow.

Criminal anarchy is a class E felony.

§250.00 Definitions of terms

Public place

(End sentence after word "residence," and eliminate last four lines.)

§250.05 Disorderly conduct

(Subd.8 - change last word of section, "himself," to "his own.")

§250.10 Harassment

Preamble - eliminate words ",or with no legitimate purpose."

Subd. 3 - eliminate word "knowingly."

Subd. 4 - eliminate words "knowingly and."

Subd. 5 - eliminate words "for an appreciable period of time."

Subd. 6 - change word "his" before word "pocket" in line 2 to "a person's."

Subd. 8 - "He communicates with a person, anonymously or otherwise, by telephone, telegraph or mail without legitimate

purpose and in a manner likely to cause him annoyance or alarm; or"

Subds. 10 and 11 - Combine:

10. He gratuitously reports or causes to be reported false information to a law enforcement authority relating to an incident or to an offense or the alleged implication of some person therein, knowing that such information is false, or false information relating to an alleged incident or offense, knowing that the same did not occur; or

Subd. 12 becomes subd. 11.

§250.15 Loitering

Subd. 6 -

6. Loiters, remains or wanders in or about a place without apparent reason and - (remainder is same as present subdivision, following the word "persons" in line 3.

§250.20 Public intoxication

(Eliminate word "manifestly" in line 2.)

§250.25 Criminal nuisance

Subd. 1 - Insert words "knowingly or" before word"recklessly" in line 2.

Subd.2 - Replace words "illegal or immoral" in line 3 with word "unlawful." Also, change word "illicit" in line 3 to "unlawful."

§255.35

Change title - "Failing to report criminal communications"

§260.05 Unlawfully issuing a dissolution decree

(Eliminate last four words - "divorce or an annulment" - and replace with "valid decree of civil divorce, annulment or other dissolution of a marriage.")

§260.26 Adultery; corroboration

A person shall not be convicted of adultery solely upon the testimony of the person with whom the offense is alleged to have been committed, uncorroborated by other evidence indicating that the offense has been committed and tending to connect the defendant with its commission.

§260.30 Incest

(Consider raising from class E to class D felony.)

§260.31 Incest; corroboration

A person shall not be convicted of incest solely upon the testimony of the person with whom the offense is alleged to have

been committed, uncorroborated by other evidence indicating that the offense has been committed and tending to connect the defendant with its commission.

§265.00 Abandonment of a child

A person is guilty of abandonment of a child when, being a parent, guardian or other person legally charged with the care or custody of a child less than fourteen years old, he deserts such child in any place with intent to wholly abandon it.

Abandonment of a child is a class E felony.

§265.15 Unlawfully dealing with a child

* * * *

2. He permits a child less than eighteen years old to enter or remain in a place where illicit [unlawful] sexual activity or illegal [unlawful] narcotics activity is maintained or conducted; or

* * * *

§265.20 Endangering the welfare of an incompetent person

A person is guilty of endangering the welfare of an incompetent person when he knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a person who is unable to care for himself because of mental

disease or defect.

Endangering the welfare of an incompetent person is a class A misdemeanor.

Article 275

(Change heading to "Other Offenses Relating to Public Safety")