

H. BRIBERY INVOLVING PUBLIC SERVANTS AND RELATED OFFENSES

639 BRIBERY IN THE THIRD DEGREE

A Native American is guilty of bribery in the third degree when he confers, or offers or agrees to confer, any benefit upon a public servant upon an agreement or understanding that such public servants vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced.

Bribery in the third degree is a class D felony.

640 BRIBERY IN THE SECOND DEGREE

A Native American is guilty of bribery in the second degree when he confers, or offers or agrees to confer; any benefit valued in excess of ten thousand dollars upon a public servant upon an agreement or understanding that such public servants vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced.

Bribery in the second degree is a class C felony.

641 BRIBERY IN THE FIRST DEGREE

A Native American is guilty of bribery in the first degree when he confers, or offers or agrees to confer, any benefit upon a public servant upon an agreement or understanding that such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced in the investigation, arrest, detention, prosecution or incarceration of any person for the commission or alleged commission of a class A felony defined in article 103 of the penal code or an attempt to commit any such class A felony.

Bribery in the first degree is a class B felony.

642 BRIBERY; DEFENSE

In any prosecution for bribery, it is a defense that the defendant conferred or agreed to confer the benefit involved upon the public servant involved as a result of conduct of the latter constituting larceny committed by means of extortion, or an attempt to commit the same, or coercion, or an attempt to commit coercion.

643 BRIBE RECEIVING IN THE THIRD DEGREE

A public servant is guilty of bribe receiving in the third degree when he solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that his vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced.

Bribe receiving in the third degree is a class D felony.

644 BRIBE RECEIVING IN THE SECOND DEGREE

A public servant is guilty of bribe receiving in the second degree when he solicits, accepts or agrees to accept any benefit valued in excess of ten thousand dollars from another person upon an agreement or understanding that his vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced.

Bribe receiving in the second degree is a class C felony.

645 BRIBE RECEIVING IN THE FIRST DEGREE

A public servant is guilty of bribe receiving in the first degree when he solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that his vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced in the investigation, arrest, detention, prosecution or incarceration of any person for the commission or alleged commission of a class A felony defined in article 103 of the penal code or an attempt to commit any such class A felony.

Bribe receiving in the first degree is a class B felony.

646 BRIBE RECEIVING; NO DEFENSE

1. The crimes of (a) bribe receiving, and (b) larceny committed by means of extortion, attempt to commit the same, coercion and attempt to commit coercion, are not mutually exclusive, and it is no defense to a prosecution for bribe receiving that, by reason of the same conduct, the defendant also committed one of such other specified crimes.
2. It is no defense to a prosecution pursuant to the provisions of this article that the public servant did not have power or authority to perform the act or omission for which the alleged bribe, gratuity or reward was given.

647 REWARDING OFFICIAL MISCONDUCT IN THE SECOND DEGREE

A Native American is guilty of rewarding official misconduct in the second degree when he knowingly confers, or offers or agrees to confer, any benefit upon a public servant for having violated his duty as a public servant.

Rewarding official misconduct in the second degree is a class E felony.

648 REWARDING OFFICIAL MISCONDUCT IN THE FIRST DEGREE

A Native American is guilty of rewarding official misconduct in the first degree when he knowingly confers, or offers or agrees to confer, any benefit upon a public servant for having violated his duty as a public servant in the investigation, arrest, detention, prosecution, or incarceration of any person for the commission or alleged commission of a class A felony defined in article two hundred twenty of the penal law or the attempt to commit any such class A felony.

Rewarding official misconduct in the first degree is a class C felony.

649 RECEIVING REWARD FOR OFFICIAL MISCONDUCT IN THE SECOND DEGREE

A public servant is guilty of receiving reward for official misconduct in the second degree when he solicits, accepts or agrees to accept any benefit from another person for having violated his duty as a public servant.

Receiving reward for official misconduct in the second degree is a class E felony.

650 RECEIVING REWARD FOR OFFICIAL MISCONDUCT IN THE FIRST DEGREE

A public servant is guilty of receiving reward for official misconduct in the first degree when he solicits, accepts or agrees to accept any benefit from another person for having violated his duty as a public servant in the investigation, arrest, detention, prosecution, or incarceration of any person for the commission or alleged commission of a class A felony defined in article 103 of the penal law or the attempt to commit any such class A felony.

Receiving reward for official misconduct in the first degree is a class C felony.

651 GIVING UNLAWFUL GRATUITIES

A Native American is guilty of giving unlawful gratuities when he knowingly confers, or offers or agrees to confer, any benefit upon a public servant for having engaged in official conduct which he was required or authorized to perform, and for which he was not entitled to any special or additional compensation.

Giving unlawful gratuities is a class A misdemeanor.

652 RECEIVING UNLAWFUL GRATUITIES

A public servant is guilty of receiving unlawful gratuities when he solicits, accepts or agrees to accept any benefit for having engaged in official conduct which he was required or authorized to perform, and for which he was not entitled to any special or additional compensation.

Receiving unlawful gratuities is a class A misdemeanor.

653 BRIBE GIVING FOR PUBLIC OFFICE

A Native American is guilty of bribe giving for public office when he confers, or offers or agrees to confer, any money or other property upon a public servant upon an agreement or understanding that some person will or may be appointed to a public office or designated or nominated as a candidate for public office.

Bribe giving for public office is a class D felony.

654 BRIBE RECEIVING FOR PUBLIC OFFICE

A public servant is guilty of bribe receiving for public office when he solicits, accepts or agrees to accept any money or other property from another person upon an agreement or understanding that some person will or may be appointed to a public office or designated or nominated as a candidate for public office.

Bribe receiving for public office is a class D felony.

655 ESCAPE AND OTHER OFFENSES RELATING TO CUSTODY; DEFINITIONS OF TERMS

The following definitions are applicable to this article:

1. "Detention Facility" means any place used for the confinement, pursuant to an order of a court, of a person (a) charged with or convicted of an offense, or (b) charged with being or adjudicated a youthful offender, person in need of supervision or juvenile delinquent, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court.
2. "Custody" means restraint by a public servant pursuant to an authorized arrest or an order of a court.
3. "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation or order.
4. "Dangerous contraband" means contraband which is capable of such use as may endanger the safety or security of a detention facility or any person therein.

656 ESCAPE IN THE THIRD DEGREE

A Native American is guilty of escape in the third degree when he escapes from custody.

Escape in the third degree is a class A misdemeanor.

657 ESCAPE IN THE SECOND DEGREE

A Native American is guilty of escape in the second degree when:

1. He escapes from a detention facility; or
2. Having been arrested for, charged with or convicted of a class C, class D or class E felony, he escapes from custody; or
3. Having been adjudicated a youthful offender, which finding was substituted for the conviction of a felony, he escapes from custody.

Escape in the second degree is a class E felony.

658 ESCAPE IN THE FIRST DEGREE

A Native American is guilty of escape in the first degree when:

1. Having been charged with or convicted of a felony, he escapes from a detention facility; or
2. Having been arrested for, charged with or convicted of a class A or class B felony, he escapes from custody; or
3. Having been adjudicated a youthful offender, which finding was substituted for the conviction of a felony, he escapes from a detention facility.

Escape in the first degree is a class D felony.

659 PROMOTING PRISON CONTRABAND IN THE SECOND DEGREE

A Native American is guilty of promoting prison contraband in the second degree when:

1. He knowingly and unlawfully introduces any contraband into a detention facility; or
2. Being a Native American confined in a detention facility, he knowingly and unlawfully makes, obtains or possesses any contraband.

Promoting prison contraband in the second degree is a class A misdemeanor.

660 PROMOTING PRISON CONTRABAND IN THE FIRST DEGREE

A Native American is guilty of promoting prison contraband in the first degree when:

1. He knowingly and unlawfully introduces any dangerous contraband into a detention facility;
or
2. Being a person confined in a detention facility, he knowingly and unlawfully makes, obtains or possesses any dangerous contraband.

Promoting prison contraband in the first degree is a class D felony.

661 RESISTING ARREST

A Native American is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from affecting an authorized arrest of himself or another person.

Resisting arrest is a class A misdemeanor.

662 HINDERING PROSECUTION; DEFINITION OF TERM

As used in Sections 663, 664, and 665, a person "renders criminal assistance" when, with intent to prevent, hinder or delay the discovery or apprehension of, or the lodging of a criminal charge against, a Native American who he knows or believes has committed a crime or is being sought by law enforcement officials for the commission of a crime, or with intent to assist a person in profiting or benefiting from the commission of a crime, he:

1. Harbors or conceals such person; or
2. Warns such person of impending discovery or apprehension; or
3. Provides such person with money, transportation, weapon, disguise or other means of avoiding discovery or apprehension; or
4. Prevents or obstructs, by means of force, intimidation or deception, anyone from performing an act which might aid in the discovery or apprehension of such person or in the lodging of a criminal charge against him; or

5. Suppresses, by any act of concealment, alteration or destruction, any physical evidence which might aid in the discovery or apprehension of such person or in the lodging of a criminal charge against him; or
6. Aids such person to protect or expeditiously profit from an advantage derived from such crime.

663 HINDERING PROSECUTION IN THE THIRD DEGREE

A Native American is guilty of hindering prosecution in the third degree when he renders criminal assistance to a person who has committed a felony.

Hindering prosecution in the third degree is a class A misdemeanor.

664 HINDERING PROSECUTION IN THE SECOND DEGREE

A Native American is guilty of hindering prosecution in the second degree when he renders criminal assistance to a person who has committed a class B or class C felony.

Hindering prosecution in the second degree is a class E felony.

665 HINDERING PROSECUTION IN THE FIRST DEGREE

A Native American is guilty of hindering prosecution in the first degree when he renders criminal assistance to a person who has committed a class A felony, knowing or believing that such person has engaged in conduct constituting a class A felony.

Hindering prosecution in the first degree is a class D felony.

666 PERJURY AND RELATED OFFENSES; DEFINITIONS OF TERMS

The following definitions are applicable to this article:

1. "Oath" includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated.
2. "Swear" means to state under oath.
3. "Testimony" means an oral statement made under oath in a proceeding before any court, body, agency, public servant or other person authorized by law to conduct such proceeding and to administer the oath or cause it to be administered.
4. "Oath required by law." An affidavit, deposition or other subscribed written instrument is one for which an "oath is required by law" when, absent an oath or swearing thereto, it does not or would not, according to statute or appropriate regulatory provisions, have legal efficacy in a court of law or before any public or governmental body, agency or public servant to whom it is or might be submitted.
5. "Swear falsely." A person "swears falsely" when he intentionally makes a false statement which he does not believe to be true (a) while giving testimony, or (b) under oath in a

subscribed written instrument. A false swearing in a subscribed written instrument shall not be deemed complete until the instrument is delivered by its subscriber, or by someone acting in his behalf, to another person with intent that it be uttered or published as true.

6. "Attesting officer" means any notary public or other person authorized by law to administer oaths in connection with affidavits, depositions and other subscribed written instruments, and to certify that the subscriber of such an instrument has appeared before him and has sworn to the truth of the contents thereof.
7. "Jurat" means a clause wherein an attesting officer certifies, among other matters, that the subscriber has appeared before him and sworn to the truth of the contents thereof.

667 PERJURY IN THE THIRD DEGREE

A Native American is guilty of perjury in the third degree when he swears falsely.

Perjury in the third degree is a class A misdemeanor.

668 PERJURY IN THE SECOND DEGREE

A Native American is guilty of perjury in the second degree when he swears falsely and 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 degree is a class E felony.

669 PERJURY IN THE FIRST DEGREE

A Native American is guilty of perjury in the first degree when he swears falsely and when his false statement (a) consists of testimony, and (b) is material to the action, proceeding or matter in which it is made.

Perjury in the first degree is a class D felony.

670 PERJURY; PLEADING AND PROOF WHERE INCONSISTENT STATEMENTS INVOLVED

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

1. The indictment or information may set forth the two statements and, without designating either, charge that one of them is false and perjurally made.
2. The falsity of one or the other of the two statements may be established by proof or a showing of their irreconcilable inconsistency.
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 the two statements, the defendant may be convicted of the lesser degree at most.

671 PERJURY; DEFENSE

In any prosecution for perjury, it is an affirmative defense that the defendant retracted his false statement in the course of the proceeding in which it was made before such false statement substantially affected the proceeding and before it became manifest that its falsity was or would be exposed.

672 PERJURY; NO DEFENSE

It is no defense to a prosecution for perjury that:

1. The defendant was not competent to make the false statement alleged; or
2. The defendant mistakenly believed the false statement to be immaterial; or
3. The oath was administered or taken in an irregular manner or that the authority or jurisdiction of the attesting officer who administered the oath was defective, if such defect was excusable under any statute or rule of law.

673 MAKING AN APPARENTLY SWORN FALSE STATEMENT IN THE SECOND DEGREE

A Native American is guilty of making an apparently sworn false 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 statement in the second degree is a class A misdemeanor.

674 MAKING AN APPARENTLY SWORN FALSE STATEMENT IN THE FIRST DEGREE

A Native American is guilty of making an apparently sworn false statement in the first degree when he commits the crime of making an apparently sworn false statement in the second degree, and when (a) the written instrument involved is one for which an oath is required by law, and (b) the false statement contained therein is made with intent to mislead a public servant in the performance of his official functions, and (c) such false statement is material to the action, proceeding or matter involved.

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

675 MAKING A PUNISHABLE FALSE WRITTEN STATEMENT

A Native American is guilty of making a punishable false written statement when he knowingly makes a false statement, which he does not believe to be true, in a written instrument bearing a legally authorized form notice to the effect that false statements made therein are punishable.

Making a punishable false written statement is a class A misdemeanor.

676 PERJURY AND RELATED OFFENSES; REQUIREMENT OF CORROBORATION

In any prosecution for perjury, except a prosecution based upon inconsistent statements pursuant to section 670, or in any prosecution for making an apparently sworn false statement, or making a punishable false written statement, falsity of a statement may not be established by the uncorroborated testimony of a single witness.

677 BRIBING A WITNESS

A Native American is guilty of bribing a witness when he confers, or offers or agrees to confer, any benefit upon a witness or a person about to be called as a witness in any action or proceeding upon an agreement or understanding that (a) the testimony of such witness will thereby be influenced, or (b) such witness will absent himself from, or otherwise avoid or seek to avoid appearing or testifying at, such action or proceeding.

Bribing a witness is a class D felony.

678 BRIBE RECEIVING BY A WITNESS

A witness or a person about to be called as a witness in any action or proceeding is guilty of bribe receiving by a witness when he solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that (a) his testimony will thereby be influenced, or (b) he will absent himself from, or otherwise avoid or seek to avoid appearing or testifying at, such action or proceeding.

Bribe receiving by a witness is a class D felony.

679 TAMPERING WITH A WITNESS IN THE FOURTH DEGREE

A Native American is guilty of tampering with a witness when, knowing that a person is or is about to be called as a witness in an action or proceeding, (a) he wrongfully induces or attempts to induce such person to absent himself from, or otherwise to avoid or seek to avoid appearing or testifying at, such action or proceeding, or (b) he knowingly makes any false statement or practices any fraud or deceit with intent to affect the testimony of such person.

Tampering with a witness in the fourth degree is a class A misdemeanor.

680 TAMPERING WITH A WITNESS IN THE THIRD DEGREE

A Native American is guilty of tampering with a witness in the third degree when, knowing that a person is about to be called as a witness in a criminal proceeding:

1. He wrongfully compels or attempts to compel such person to absent himself from, or otherwise to avoid or seek to avoid appearing or testifying at such proceeding by means of instilling in him a fear that the actor will cause physical injury to such person or another person; or
2. He wrongfully compels or attempts to compel such person to swear falsely by means of instilling in him a fear that the actor will cause physical injury to such person or another person.

Tampering with a witness in the third degree is a class E felony.

681 TAMPERING WITH A WITNESS IN THE SECOND DEGREE

A Native American is guilty of tampering with a witness in the second degree when he:

1. Intentionally causes physical injury to a person for the purpose of obstructing, delaying, preventing or impeding the giving of testimony in a criminal proceeding by such person or another person or for the purpose of compelling such person or another person to swear falsely; or
2. He intentionally causes physical injury to a person on account of such person or another person having testified in a criminal proceeding.

Tampering with a witness in the second degree is a class D felony.

682 TAMPERING WITH A WITNESS IN THE FIRST DEGREE

A Native American is guilty of tampering with a witness in the first degree when:

1. He intentionally causes serious physical injury to a person for the purpose of obstructing, delaying, preventing or impeding the giving of testimony in a criminal proceeding by such person or another person or for the purpose of compelling such person or another person to swear falsely; or
2. He intentionally causes serious physical injury to a person on account of such person or another person having testified in a criminal proceeding.

Tampering with a witness in the first degree is a class B felony.

683 EMPLOYER UNLAWFULLY PENALIZING WITNESS

Any Native American who is the victim of a crime upon which an accusatory instrument is based or is subpoenaed to attend a criminal action as a witness pursuant the Oneida Indian Nation Rules of Criminal Procedure and who notifies his employer of his intent to appear as a witness prior to the day of his attendance, shall not on account of his absence from employment by reason of such witness service be subject to discharge or penalty except as hereinafter provided. Upon request of the employer, the party who sought the testimony shall provide verification of the employee's service as a witness. An employer may, however, withhold wages of any such employee attending a criminal action as a witness during the period of such attendance. The subjection of an employee to discharge or penalty on account of his absence from employment by reason of his required attendance as a witness at a criminal action shall constitute a class B misdemeanor.

684 INTIMIDATING A VICTIM OR WITNESS IN THE THIRD DEGREE

A Native American is guilty of intimidating a victim or witness in the third degree when, knowing that another person possesses information relating to a criminal transaction and other than in the course of that criminal transaction or immediate flight therefrom, he:

1. Wrongfully compels or attempts to compel such other person to refrain from communicating such information to any court, prosecutor, or police officer by means of instilling in him a fear that the actor will cause physical injury to such other person or another person; or

2. Intentionally damages the property of such other person or another person for the purpose of compelling such other person or another person to refrain from communicating, or on account of such other person or another person having communicated, information relating to that criminal transaction to any court, grand jury, prosecutor, or police officer.

Intimidating a victim or witness in the third degree is a class E felony.

685 INTIMIDATING A VICTIM OR WITNESS IN THE SECOND DEGREE

A Native American is guilty of intimidating a victim or witness in the second degree when, other than in the course of that criminal transaction or immediate flight therefrom, he:

1. Intentionally causes physical injury to another person for the purpose of obstructing, delaying, preventing or impeding the communication by such other person or another person of information relating to a criminal transaction to any court, grand jury, prosecutor, or police officer or for the purpose of compelling such other person or another person to swear falsely; or
2. Intentionally causes physical injury to another person on account of such other person or another person having communicated information relating to a criminal transaction to any court, grand jury, prosecutor, police officer or peace officer; or
3. Recklessly causes physical injury to another person by intentionally damaging the property of such other person or another person, for the purpose of obstructing, delaying, preventing or impeding such other person or another person from communicating, or on account of such other person or another person having communicated, information relating to a criminal transaction to any court, grand jury, prosecutor, or police officer.

Intimidating a victim or witness in the second degree is a class D felony.

686 INTIMIDATING A VICTIM OR WITNESS IN THE FIRST DEGREE

A Native American is guilty of intimidating a victim or witness in the first degree when, other than in the course of that criminal transaction or immediate flight therefrom, he:

1. Intentionally causes serious physical injury to another person for the purpose of obstructing, delaying, preventing or impeding the communication by such other person or another person of information relating to a criminal transaction to any court, grand jury, prosecutor, police officer or peace officer or for the purpose of compelling such other person or another person to swear falsely; or
2. Intentionally causes serious physical injury to another person on account of such other person or another person having communicated information relating to a criminal transaction to any court, grand jury, prosecutor, police officer.

Intimidating a victim or witness in the first degree is a class B felony.

687 BRIBING A JUROR

A Native American is guilty of bribing a juror when he confers or offers or agrees to confer, any benefit upon a juror upon an agreement or understanding that such juror's vote, opinion, judgment, decision or other action as a juror will thereby be influenced.

Bribing a juror is a class D felony.

688 BRIBE RECEIVING BY A JUROR

A juror is guilty of bribe receiving by a juror when he solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that his vote, opinion, judgment, decision or other action as a juror will thereby be influenced.

Bribe receiving by a juror is a class D felony.

689 TAMPERING WITH A JUROR IN THE SECOND DEGREE

A Native American is guilty of tampering with a juror in the second degree when, prior to discharge of the jury, he:

1. confers, or offers or agrees to confer, any payment or benefit upon a juror or upon a third person acting on behalf of such juror, in consideration for such juror or third person supplying information in relation to an action or proceeding pending or about to be brought before such juror; or
2. acting on behalf of a juror, accepts or agrees to accept any payment or benefit for himself or for such juror, in consideration for supplying any information in relation to an action or proceeding pending or about to be brought before such juror and prior to his discharge.

Tampering with a juror in the second degree is a class B misdemeanor.

690 TAMPERING WITH A JUROR IN THE FIRST DEGREE

A Native American is guilty of tampering with a juror in the first degree 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 in the first degree is a class A misdemeanor.

691 MISCONDUCT BY A JUROR IN THE SECOND DEGREE

A Native American is guilty of misconduct by a juror in the second degree when, in relation to an action or proceeding pending or about to be brought before him and prior to discharge, he accepts or agrees to accept any payment or benefit for himself or for a third person in consideration for supplying any information concerning such action or proceeding.

Misconduct by a juror in the second degree is a violation.

692 MISCONDUCT BY A JUROR IN THE FIRST DEGREE

A juror is guilty of misconduct by a juror in the first degree when, in relation to an action or proceeding pending or about to be brought before him, he agrees to give a vote, opinion, judgment, decision or report for or against any party to such action or proceeding.

Misconduct by a juror in the first degree is a class A misdemeanor.

693 TAMPERING WITH PHYSICAL EVIDENCE; DEFINITIONS OF TERMS

The following definitions are applicable to Section 694:

1. "Physical evidence" means any article, object, document, record or other thing of physical substance which is or is about to be produced or used as evidence in an official proceeding.
2. "Official proceeding" means any action or proceeding conducted by or before a legally constituted judicial, legislative, administrative or other governmental agency or official, in which evidence may properly be received.

694 TAMPERING WITH PHYSICAL EVIDENCE

A Native American is guilty of tampering with physical evidence when:

1. With intent that it be used or introduced in an official proceeding or a prospective official proceeding, he (a) knowingly makes, devises or prepares false physical evidence, or (b) produces or offers such evidence at such a proceeding knowing it to be false; or
2. Believing that certain physical evidence is about to be produced or used in an official proceeding or a prospective official proceeding, and intending to prevent such production or use, he suppresses it by any act of concealment, alteration or destruction, or by employing force, intimidation or deception against any person.

Tampering with physical evidence is a class E felony.

695 COMPOUNDING A CRIME

1. A Native American is guilty of compounding a crime when:
 - A. He solicits, accepts or agrees to accept any benefit upon an agreement or understanding that he will refrain from initiating a prosecution for a crime; or
 - B. He confers, or offers or agrees to confer, any benefit upon another person upon an agreement or understanding that such other person will refrain from initiating a prosecution for a crime.
2. In any prosecution under this section, it is an affirmative defense that the benefit did not exceed an amount which the defendant reasonably believed to be due as restitution or indemnification for harm caused by the crime.

Compounding a crime is a class A misdemeanor.

696 CRIMINAL CONTEMPT IN THE SECOND DEGREE

A Native American is guilty of criminal contempt in the second degree when he engages in any of the following conduct:

1. Disorderly, contemptuous, or insolent behavior, committed during the sitting of the 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 the court's proceedings; or
3. Intentional disobedience or resistance to the lawful process or other mandate of the court; or
4. Contumacious and unlawful refusal to be sworn as a witness in a court proceeding 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 proceeding; or
6. Intentional failure to obey any mandate, process or notice, issued pursuant 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 in the second degree is a class A misdemeanor.

697 CRIMINAL CONTEMPT IN THE FIRST DEGREE

A Native American is guilty of criminal contempt in the first degree when he contumaciously and unlawfully refuses to be sworn as a witness before a grand jury, or, when after having been sworn as a witness before a grand jury, he refuses to answer any legal and proper interrogatory. Criminal contempt in the first degree is a class E felony.

698 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 criminal contempt under Section 696 based upon the same conduct but, upon conviction thereunder, the court, in sentencing the defendant shall take the previous punishment into consideration.

699 BAIL JUMPING IN THE THIRD DEGREE

A Native American is guilty of bail jumping in the third degree when by court order he has been released from custody or allowed to remain at liberty, either upon bail or upon his own recognizance, upon condition that he will subsequently appear personally in connection with a criminal action or proceeding, and when he does not appear personally on the required date or voluntarily within thirty days thereafter.

Bail jumping in the third degree is a class A misdemeanor.

700 BAIL JUMPING IN THE SECOND DEGREE

A Native American is guilty of bail jumping in the second degree when by court order he has been released from custody or allowed to remain at liberty, either upon bail or upon his own recognizance, upon condition that he will subsequently appear personally in connection with a charge against him of committing a felony, and when he does not appear personally on the required date or voluntarily within thirty days thereafter.

Bail jumping in the second degree is a class E felony.

701 BAIL JUMPING IN THE FIRST DEGREE

A Native American is guilty of bail jumping in the first degree when by court order he has been released from custody or allowed to remain at liberty, either upon bail or upon his own recognizance, upon condition that he will subsequently appear personally in connection with an indictment pending against him which charges him with the commission of a class A or class B felony, and when he does not appear personally on the required date or voluntarily within thirty days thereafter.

Bail jumping in the first degree is a class D felony.

702 FAILING TO RESPOND TO AN APPEARANCE TICKET

1. A Native American is guilty of failing to respond to an appearance ticket when, having been personally served with an appearance ticket, as defined in subdivision two, based upon his alleged commission of a crime, he does not appear personally in the court in which such appearance ticket is returnable on the return date thereof or voluntarily within thirty days thereafter.
2. As used in this section, an appearance ticket means a written notice, whether referred to as a summons or by any other name, issued by a police officer, peace officer or other non-judicial public servant authorized by law to issue the same, directing a designated person to appear in a designated court at a designated future time in connection with a criminal action to be instituted in such court with respect to his alleged commission of a designated offense.
3. This section does not apply to any case in which an alternative to response to an appearance ticket is authorized by law and the actor complies with such alternative procedure.

Failing to respond to an appearance ticket is a violation.

703 BAIL JUMPING AND FAILING TO RESPOND TO AN APPEARANCE TICKET; DEFENSE

In any prosecution for bail jumping or failing to respond to an appearance ticket, it is an affirmative defense that:

1. The defendant's failure to appear on the required date or within thirty days thereafter was unavoidable and due to circumstances beyond his control; and
2. During the period extending from the expiration of the thirty day period to the commencement of the action, the defendant either:
 - A. appeared voluntarily as soon as he was able to do so, or
 - B. although he did not so appear, such failure of appearance was unavoidable and due to circumstances beyond his control.

704 UNLAWFUL DISCLOSURE OF A CRIMINAL COMPLAINT

A public servant is guilty of unlawful disclosure of a criminal complaint when, except in the proper discharge of his official duties, he intentionally discloses the fact that a criminal complaint has been filed before the accused person is in custody.

Unlawful disclosure of a criminal complaint is a class B misdemeanor.

705 UNLAWFUL DISPOSITION OF ASSETS SUBJECT TO FORFEITURE

Any defendant in a forfeiture action pursuant to article thirteen-A of the civil practice law and rules who knowingly and intentionally conceals, destroys, dissipates, alters, removes from the jurisdiction, or otherwise disposes of, property specified in a provisional remedy ordered by the court or in a judgment of forfeiture in knowing contempt of said order shall be guilty of a class A misdemeanor.

I. OFFENSES AGAINST PUBLIC HEALTH, MORALS

706 CONTROLLED SUBSTANCES; DEFINITIONS

1. "Sell" means to sell, exchange, give or dispose of to another, or to offer or agree to do the same.
2. "Unlawfully" means in violation of article thirty-three of the New York public health law.
3. "Ounce" means an avoirdupois ounce as applied to solids or semi-solids, and a fluid ounce as applied to liquids.
4. "Pound" means an avoirdupois pound.
5. "Controlled substance" means any substance listed in schedule I, II, III, IV or V of section thirty-three hundred six of the New York public health law other than marihuana, but including concentrated cannabis as defined in paragraph (a) of subdivision five of section thirty-three hundred two of such law.