S T A T E O F N E W Y O R K

5461--B

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sens. LATIMER, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law and the civil rights law, in relation to prohibiting persons from holding public office or positions of political party leadership when convicted of certain felonies

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public officers law is amended by adding a new section 3-d to read as follows:

S 3-D. RESTRICTIONS UPON HOLDING PUBLIC OFFICE; FELONY CONVICTION. 1. NO PERSON SHALL BE CAPABLE OF HOLDING A CIVIL OFFICE OR A POSITION OF LEADERSHIP IN A POLITICAL PARTY FOR A PERIOD OF TEN YEARS IF HE OR SHE HAS BEEN CONVICTED OF ANY FELONY UNDER ARTICLE ONE HUNDRED FORTY-FIVE, ONE HUNDRED FIFTY-FIVE, ONE HUNDRED SEVENTY, ONE HUNDRED SEVENTY-FIVE, ONE HUNDRED NINETY-FIVE, TWO HUNDRED, TWO HUNDRED TEN, OR TWO HUNDRED FIFTEEN OF THE PENAL LAW.

2. NO PERSON SHALL BE CAPABLE OF JOINING A POLITICAL COMMITTEE FOR A PERIOD OF FIVE YEARS FOLLOWING THE COMPLETION OF ANY SENTENCE FOR A FELONY CONVICTION UNDER ARTICLE ONE HUNDRED FORTY-FIVE, ONE HUNDRED FIFTY-FIVE, ONE HUNDRED SEVENTY, ONE HUNDRED SEVENTY-FIVE, ONE HUNDRED NINETY-FIVE, TWO HUNDRED, TWO HUNDRED TEN, OR TWO HUNDRED FIFTEEN OF THE PENAL LAW, REGARDLESS OF WHETHER HE OR SHE HAS OBTAINED A CERTIFICATE OF RELIEF OF DISABILITIES FROM THE DIVISION OF CRIMINAL JUSTICE SERVICES.

S 2. Subdivision 1 of section 79 of the civil rights law, as amended by chapter 687 of the laws of 1973, is amended to read as follows:

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

LBD11139-03-4

1. Except as provided in subdivision two OF THIS SECTION a sentence of imprisonment in a state correctional institution for any term less than for life or a sentence of imprisonment in a state correctional institution for an indeterminate term, having a minimum of one day and a maximum of natural life, forfeits all the public offices, and suspends, during the term of the sentence, all the civil rights, and all private trusts, authority, or powers of, or held by, the person sentenced, AND FORFEITS THE RIGHT TO HOLD PUBLIC OFFICE OR A POSITION OF LEADERSHIP IN A POLITICAL PARTY FOR A PERIOD OF TEN YEARS FOLLOWING THE COMPLETION OF ANY SENTENCE FOR A FELONY CONVICTION UNDER ARTICLE ONE HUNDRED FORTY-FIVE, ONE HUNDRED FIFTY-FIVE, ONE HUNDRED SEVENTY, ONE HUNDRED SEVENTY-FIVE, ONE HUNDRED NINETY-FIVE, TWO HUNDRED, TWO HUNDRED TEN, OR TWO HUNDRED FIFTEEN OF THE PENAL LAW, REGARDLESS OF WHETHER HE OR SHE HAS OBTAINED A CERTIFICATE OF RELIEF OF DISABILITIES FROM THE DIVISION OF CRIMINAL JUSTICE SERVICES.

S 3. This act shall take effect immediately.