

6539

I N   S E N A T E

January 22, 2016

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Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to official misconduct of a public servant

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

1     Section 1. Section 195.00 of the penal law, as amended by chapter 906  
2 of the laws of 1990, is amended to read as follows:  
3     S 195.00 Official misconduct.  
4     A public servant is guilty of official misconduct when, with intent to  
5 obtain a benefit or deprive another person of a benefit:  
6     1. He commits an act relating to his office but constituting an unau-  
7 thorized exercise of his official functions, knowing that such act is  
8 unauthorized; [or]  
9     2. He knowingly refrains from performing a duty which is imposed upon  
10 him by law or is clearly inherent in the nature of his office[.]; OR  
11     3. HE KNOWINGLY OBTAINS, ARRANGES OR PROVIDES FOR HIMSELF OR ANOTHER,  
12 A COMPENSATED POSITION OR PUBLIC OFFICE THAT REQUIRES LITTLE OR NO ACTU-  
13 AL ATTENDANCE OR WORK.  
14     Official misconduct is a class A misdemeanor.  
15     S 2. This act shall take effect immediately.

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

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