

STATE OF NEW YORK

4707

2017-2018 Regular Sessions

IN SENATE

February 24, 2017

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 § 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 § 2. This act shall take effect immediately.

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

LBD02050-01-7