STATE OF NEW YORK

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8213

2021-2022 Regular Sessions

IN ASSEMBLY

August 25, 2021
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Introduced by M. of A. LAWLER -- read once and referred to the Committee
  on Governmental Operations

AN ACT to amend the public officers law, in relation to prohibiting
  persons from holding an elected civil office if convicted of a state
  or federal felony

  The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1   Section 1. Paragraph (i) of subdivision 1-a of section 3 of the public
2 officers law, as added by section 31-b of subpart A of part H of chapter
3 55 of the laws of 2014, is amended to read as follows:
4   (i) No person shall be capable of holding a civil office who shall
5 stand convicted of a **state or federal** felony [defined in article two
6 hundred or four hundred ninety-six or section 195.20 of the penal law]
7 **while holding such civil office, provided, however, that this paragraph**
8 **shall only apply to a person elected to a civil office**.
9   § 2. Section 3-a of the public officers law, as added by chapter 513
10 of the laws of 1948, is amended to read as follows:
11   § 3-a. Restrictions upon holding public office or employment of
12 persons removed from office for certain reasons. Any public officer
13 who, upon being called before a grand jury to testify concerning the
14 conduct of his **or her** office or the performance of his **or her** official
15 duties, refuses to sign a waiver of immunity against subsequent criminal
16 prosecution, or to answer any relevant question concerning such matters
17 before such grand jury and who, by virtue thereof, has been removed from
18 such public office by the appropriate authority or who has forfeited
19 such office at the suit of the attorney general shall not be capable of
20 holding a civil office or public employment [for a period of five years
21 from the date of the removal from or forfeit of such public office].
22   § 3. This act shall take effect immediately.