

9559

I N A S S E M B L Y

January 18, 2010

Introduced by M. of A. SILVER, MAGNARELLI -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to prohibiting the use by certain public officers and employees of property, services or other resources of the state for private business or other compensated non-governmental purposes; and to amend the penal law, in relation to defrauding the government

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

1 Section 1. Paragraph d of subdivision 3 of section 74 of the public  
2 officers law, as amended by chapter 1012 of the laws of 1965, is amended  
3 to read as follows:

4 d. No officer or employee of a state agency, member of the legislature  
5 or legislative employee should use or attempt to use his OR HER official  
6 position to secure unwarranted privileges or exemptions for himself OR  
7 HERSELF or others, INCLUDING BUT NOT LIMITED TO, THE MISAPPROPRIATION TO  
8 HIMSELF, HERSELF OR TO OTHERS OF THE PROPERTY, SERVICES OR OTHER  
9 RESOURCES OF THE STATE FOR PRIVATE BUSINESS OR OTHER COMPENSATED NON-GO-  
10 VERNMENTAL PURPOSES.

11 S 2. Section 195.20 of the penal law, as added by chapter 833 of the  
12 laws of 1986, is amended to read as follows:

13 S 195.20 Defrauding the government.

14 A person is guilty of defrauding the government when, being a public  
15 servant or party officer, he OR SHE:

16 (a) engages in a scheme constituting a systematic ongoing course of  
17 conduct with intent to:

18 (I) defraud the state or a political subdivision of the state or a  
19 governmental instrumentality within the state or to obtain property,  
20 SERVICES OR OTHER RESOURCES from the state or a political subdivision of  
21 the state or a governmental instrumentality within the state by false or  
22 fraudulent pretenses, representations or promises [and]; OR

23 (II) DEFRAUD THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OR A  
24 GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE BY MAKING USE OF PROPERTY,  
25 SERVICES OR RESOURCES OF THE STATE, POLITICAL SUBDIVISION OF THE STATE

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

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1 OR A GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE FOR PRIVATE BUSINESS  
2 PURPOSES OR OTHER COMPENSATED NON-GOVERNMENTAL PURPOSES; AND

3 (b) so obtains property, SERVICES OR OTHER RESOURCES with a value in  
4 excess of one thousand dollars from such state, political subdivision or  
5 governmental instrumentality.

6 Defrauding the government is a class E felony.

7 S 3. This act shall take effect immediately.