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

210

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

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

AN ACT to amend the election law, in relation to criminal penalties for election misconduct

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

Section 1. Subdivision 2 of section 14-126 of the election law, as amended by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

2. Any person who knowingly and willfully fails to file a statement required to be filed by this article within ten days after the date provided for filing such statement [or] AND, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, any person who knowingly and willfully violates any other provision of this article shall be guilty of a misdemeanor.

S 2. Section 17-166 of the election law is amended to read as follows:

S 17-166. Penalty. [Any person convicted of a misdemeanor under this article shall for a first offense be punished by imprisonment for not more than one year, or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment.] ALL MISDEMEANORS UNDER THIS ARTICLE SHALL BE CLASS A MISDEMEANORS AND ALL FELONIES UNDER THIS ARTICLE SHALL BE CLASS E FELONIES WITHIN THE MEANING OF SECTION 55.10 OF THE PENAL LAW. Any person who, having been convicted of a [misdemeanor] CRIME under this article, shall thereafter be convicted of another misdemeanor under this article, shall be guilty of a felony.

S 3. This act shall take effect immediately provided, however, that section two of this act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

LBD03113-01-9