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

2650

2009-2010 Regular Sessions

I N S E N A T E

February 26, 2009

Introduced by Sens. ADAMS, MONSERRATE, PARKER -- 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 by creating a class B felony for misuse of official authority by a police officer or peace officer

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

Section 1. The penal law is amended by adding a new section 195.25 to read as follows:

S 195.25 MISUSE OF OFFICIAL AUTHORITY BY A POLICE OFFICER OR PEACE OFFICER.

A POLICE OFFICER OR PEACE OFFICER IS GUILTY OF MISUSE OF OFFICIAL AUTHORITY WHEN, IN THE COURSE OF AND IN FURTHERANCE OF THE COMMISSION OR ATTEMPTED COMMISSION OF A FELONY BY SUCH OFFICER, HE OR SHE USES HIS OR HER AUTHORITY AS A POLICE OFFICER OR PEACE OFFICER TO INTENTIONALLY COMMIT OR ATTEMPT TO COMMIT SUCH FELONY.

FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "POLICE OFFICER" MEANS A PERSON LISTED IN SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW.

2. "PEACE OFFICER" MEANS A PERSON LISTED IN SECTION 2.10 OF THE CRIMINAL PROCEDURE LAW.

MISUSE OF OFFICIAL AUTHORITY BY A POLICE OFFICER OR PEACE OFFICER IS A CLASS B FELONY.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

LBD04990-01-9