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

5977

2011-2012 Regular Sessions

I N A S S E M B L Y

March 3, 2011

Introduced by M. of A. BURLING, MOLINARO, DUPREY, KOLB, CASTELLI, D. MILLER, McLAUGHLIN, CALHOUN -- Multi-Sponsored by -- M. of A. BARCLAY, GIGLIO, HAWLEY, HAYES, JORDAN, McDONOUGH, MONTESANO, OAKS, PALMESANO, RABBITT, RAIA, SAYWARD, TEDISCO, THIELE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to political use of state aircraft by certain state officers and employees

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

Section 1. Subdivision 18 of section 73 of the public officers law, as amended by chapter 14 of the laws of 2007, is renumbered subdivision 19 and amended and a new subdivision 18 is added to read as follows:

18. NO STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE MAY USE OR DIRECT THE USE OF STATE AIRCRAFT FOR POLITICAL PURPOSES.

19. In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates the provisions of subdivisions two through five, seven, eight, twelve or fourteen through [seventeen] EIGHTEEN of this section shall be subject to a civil penalty in an amount not to exceed forty thousand dollars and the value of any gift, compensation [or], benefit [received] OR USE OF STATE AIRCRAFT in connection with such violation. Assessment of a civil penalty hereunder shall be made by the state oversight body with jurisdiction over such person. A state oversight body acting pursuant to its jurisdiction, may, in lieu of a civil penalty, with respect to a violation of subdivisions two through five, seven [or], eight OR EIGHTEEN of this section, refer a violation of any such subdivision to the appropriate prosecutor and upon such conviction such violation shall be punishable as a class A misdemeanor.

S 2. This act shall take effect immediately.

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

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