

3690

2011-2012 Regular Sessions

I N S E N A T E

March 2, 2011

Introduced by Sen. ADAMS -- 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:

1 Section 1. The penal law is amended by adding a new section 195.25 to  
2 read as follows:  
3 S 195.25 MISUSE OF OFFICIAL AUTHORITY BY A POLICE OFFICER OR PEACE OFFI-  
4 CER.  
5 A POLICE OFFICER OR PEACE OFFICER IS GUILTY OF MISUSE OF OFFICIAL  
6 AUTHORITY WHEN, IN THE COURSE OF AND IN FURTHERANCE OF THE COMMISSION OR  
7 ATTEMPTED COMMISSION OF A FELONY BY SUCH OFFICER, HE OR SHE USES HIS OR  
8 HER AUTHORITY AS A POLICE OFFICER OR PEACE OFFICER TO INTENTIONALLY  
9 COMMIT OR ATTEMPT TO COMMIT SUCH FELONY.  
10 FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE  
11 FOLLOWING MEANINGS:  
12 1. "POLICE OFFICER" MEANS A PERSON LISTED IN SUBDIVISION THIRTY-FOUR  
13 OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW.  
14 2. "PEACE OFFICER" MEANS A PERSON LISTED IN SECTION 2.10 OF THE CRIMI-  
15 NAL PROCEDURE LAW.  
16 MISUSE OF OFFICIAL AUTHORITY BY A POLICE OFFICER OR PEACE OFFICER IS A  
17 CLASS B FELONY.  
18 S 2. This act shall take effect on the ninetieth day after it shall  
19 have become a law.

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

LBD07521-01-1