

6774

I N S E N A T E

March 7, 2014

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and
when printed to be committed to the Committee on Rules

AN ACT to amend the criminal procedure law, in relation to the prosecution of misconduct by public servants, and in relation to including corrupting the government within the definition of a designated offense; to amend the penal law, in relation to establishing the crime of corrupting the government, requires the intent to influence within the crime of bribery, and expands the crime of bribe receiving; to amend the legislative law, in relation to lobbying; to amend the state finance law, in relation to cancellation and disqualification of certain contracts; to amend the civil practice law and rules, in relation to including the crime of public corruption within the term of preconviction forfeiture crime; to amend the public officers law, in relation to persons deemed incapable of holding a civil office; to amend the real property tax law, in relation to certain exemption limitations; to amend the general municipal law, in relation to limitations on empire zone designation; to amend the tax law, in relation to certain tax credit limitations; to amend the public officers law, in relation to financial disclosure and to repeal section 195.20 of the penal law relating to defrauding the government

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

1 Section 1. This act shall be known as the "Public Trust Act".
2 S 2. Paragraph (b) of subdivision 3 of section 30.10 of the criminal
3 procedure law is amended to read as follows:
4 (b) A prosecution for any offense involving misconduct in public
5 office by a public servant INCLUDING, WITHOUT LIMITATION, AN OFFENSE
6 DEFINED IN ARTICLE FOUR HUNDRED NINETY-SIX OF THE PENAL LAW, may be
7 commenced AGAINST A PUBLIC SERVANT, OR ANY OTHER PERSON ACTING IN
8 CONCERT WITH SUCH PUBLIC SERVANT at any time during [the defendant's]
9 SUCH PUBLIC SERVANT'S service in such office or within five years after
10 the termination of such service; provided however, that in no event
11 shall the period of limitation be extended by more than five years

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

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beyond the period otherwise applicable under subdivision two OF THIS SECTION.

S 3. Section 50.10 of the criminal procedure law is amended to read as follows:

S 50.10 Compulsion of evidence by offer of immunity; definitions of terms.

The following definitions are applicable to this article:

1. "Immunity." BASED UPON THE SUBJECT MATTER OF THE LEGAL PROCEEDING IN WHICH A PERSON GIVES EVIDENCE, SUCH PERSON MAY RECEIVE EITHER "TRANSACTIONAL" OR "USE" IMMUNITY.

(A) "TRANSACTIONAL IMMUNITY." A person who has been a witness in a legal proceeding, and who cannot, except as otherwise provided in this subdivision, be convicted of any offense or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he gave evidence therein, possesses ["immunity"] "TRANSACTIONAL IMMUNITY" from any such conviction, penalty or forfeiture.

(B) "USE IMMUNITY." A PERSON WHO HAS BEEN A WITNESS IN A LEGAL PROCEEDING, AND NEITHER THE EVIDENCE GIVEN BY THAT WITNESS NOR ANY EVIDENCE DERIVED DIRECTLY OR INDIRECTLY THEREFROM MAY BE USED AGAINST THE WITNESS IN THE SAME OR ANY OTHER CRIMINAL PROCEEDING OR IN THE IMPOSITION OF ANY PENALTY OR FORFEITURE POSSESSES "USE IMMUNITY".

(C) A person who possesses [such] TRANSACTIONAL IMMUNITY OR USE immunity may nevertheless be convicted of perjury as a result of having given false testimony in such legal proceeding, and may be convicted of or adjudged in contempt as a result of having contumaciously refused to give evidence therein, AND THE EVIDENCE GIVEN BY THE PERSON AT THE PROCEEDING AT WHICH THE PERSON POSSESSED EITHER TRANSACTIONAL IMMUNITY OR USE IMMUNITY MAY BE USED AGAINST SUCH PERSON IN ANY SUCH PROSECUTION FOR PERJURY OR PROSECUTION OR JUDGMENT FOR CONTEMPT.

2. "Legal proceeding" means a proceeding in or before any court or grand jury, or before any body, agency or person authorized by law to conduct the same and to administer the oath or to cause it to be administered.

3. "Give evidence" means to testify or produce physical evidence.

S 4. Subdivision 3 of section 50.20 of the criminal procedure law is amended to read as follows:

3. A witness who is ordered to give evidence pursuant to subdivision two OF THIS SECTION and who complies with such order receives EITHER TRANSACTIONAL IMMUNITY OR USE immunity. [Such] IN A LEGAL PROCEEDING INVOLVING, IN WHOLE OR IN PART, ANY MISCONDUCT, NONFEASANCE OR NEGLECT IN PUBLIC OFFICE BY A PUBLIC SERVANT, WHETHER CRIMINAL OR OTHERWISE, OR ANY FRAUD UPON THE STATE, A POLITICAL SUBDIVISION OF THE STATE OR A GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE SUCH WITNESS RECEIVES USE IMMUNITY. A WITNESS IN A LEGAL PROCEEDING INVOLVING ANY OTHER SUBJECT MATTER RECEIVES TRANSACTIONAL IMMUNITY. IN EITHER CASE, SUCH witness is not deprived of such immunity because such competent authority did not comply with statutory provisions requiring notice to a specified public servant of intention to confer immunity.

S 5. Paragraph (b) of subdivision 1 of section 170.30 of the criminal procedure law is amended, and a new subdivision 4 is added to read as follows:

(b) The defendant has received immunity from prosecution AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION 50.10 OF THIS CHAPTER for the offense charged, pursuant to sections 50.20 or 190.40, OR ALLEGATIONS IN THE INFORMATION, SIMPLIFIED INFORMATION, PROSECUTOR'S INFORMATION OR MISDEMEANOR COMPLAINT ARE BASED ON EVIDENCE PROTECTED BY USE

1 IMMUNITY AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION 50.10
2 OF THIS CHAPTER; or

3 4. WHERE THE DEFENDANT ESTABLISHES IN HIS OR HER MOTION THAT USE IMMUN-
4 NITY HAS BEEN CONFERRED UPON HIM OR HER, THE PEOPLE MUST THEN ESTABLISH,
5 BY A PREPONDERANCE OF THE EVIDENCE, THAT SUCH EVIDENCE WAS NOT DERIVED,
6 DIRECTLY OR INDIRECTLY, FROM THE EVIDENCE AS TO WHICH SUCH IMMUNITY WAS
7 CONFERRED.

8 S 6. Subdivision 2 of section 190.40 of the criminal procedure law,
9 paragraph (c) as added by chapter 454 of the laws of 1975, is amended to
10 read as follows:

11 2. A witness who gives evidence in a grand jury proceeding INVOLVING,
12 IN WHOLE OR IN PART, ANY MISCONDUCT, NONFEASANCE OR NEGLECT IN PUBLIC
13 OFFICE BY A PUBLIC SERVANT, WHETHER CRIMINAL OR OTHERWISE, OR ANY FRAUD
14 UPON THE STATE, A POLITICAL SUBDIVISION OF THE STATE OR A GOVERNMENTAL
15 INSTRUMENTALITY WITHIN THE STATE receives USE immunity. A WITNESS IN A
16 GRAND JURY PROCEEDING INVOLVING ANY OTHER SUBJECT MATTER RECEIVES TRAN-
17 SACTIONAL IMMUNITY. IN EITHER CASE, SUCH WITNESS RECEIVES SUCH IMMUNITY
18 unless:

19 (a) He OR SHE has effectively waived such immunity pursuant to
20 section 190.45; or

21 (b) Such evidence is not responsive to any inquiry and is gratuitous-
22 ly given or volunteered by the witness with knowledge that it is not
23 responsive[.] ; OR

24 (c) The evidence given by the witness consists only of books, papers,
25 records or other physical evidence of an enterprise, as defined in
26 subdivision one of section 175.00 of the penal law, the production of
27 which is required by a subpoena duces tecum, and the witness does not
28 possess a privilege against self-incrimination with respect to the
29 production of such evidence. Any further evidence given by the witness
30 entitles the witness to immunity except as provided in [subparagraph]
31 PARAGRAPHS (a) and (b) of this subdivision.

32 S 7. Paragraph (d) of subdivision 1 of section 210.20 of the criminal
33 procedure law is amended to read as follows:

34 (d) The defendant has TRANSACTIONAL immunity, AS DEFINED IN PARAGRAPH
35 (A) OF SUBDIVISION ONE OF SECTION 50.10 OF THIS CHAPTER, with respect to
36 the offense charged, pursuant to section 50.20 or 190.40; or

37 S 7-a. Section 210.35 of the criminal procedure law is amended by
38 adding a new subdivision 4-a to read as follows:

39 4-A. EVIDENCE PROTECTED BY USE IMMUNITY WAS USED TO OBTAIN THE INDICT-
40 MENT; OR

41 S 8. The opening paragraph and subdivisions 6 and 7 of section 710.20
42 of the criminal procedure law, the opening paragraph and subdivision 6
43 as amended by chapter 8 of the laws of 1976, subdivision 7 as added by
44 chapter 744 of the laws of 1988, and subdivision 6 as renumbered by
45 chapter 481 of the laws of 1983, are amended and a new subdivision 8 is
46 added to read as follows:

47 Upon motion of a defendant who (a) is aggrieved by unlawful or improp-
48 er acquisition of evidence and has reasonable cause to believe that such
49 may be offered against him in a criminal action, or (b) claims that
50 improper identification testimony may be offered against him in a crimi-
51 nal action, OR (C) CLAIMS THAT EVIDENCE AS TO THE USE OF WHICH HE OR SHE
52 POSSESSES IMMUNITY, AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION ONE OF
53 SECTION 50.10 OF THIS CHAPTER, MAY BE OFFERED AGAINST HIM IN A CRIMINAL
54 ACTION, a court may, under circumstances prescribed in this article,
55 order that such evidence be suppressed or excluded upon the ground that
56 it:

6. Consists of potential testimony regarding an observation of the defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the case, which potential testimony would not be admissible upon the prospective trial of such charge owing to an improperly made previous identification of the defendant by the prospective witness[.]; OR

7. Consists of information obtained by means of a pen register or trap and trace device installed or used in violation of the provisions of article seven hundred five of this chapter[.]; OR

8. CONSISTS OF POTENTIAL EVIDENCE AS TO THE USE OF WHICH THE DEFENDANT POSSESSES IMMUNITY. WHERE THE DEFENDANT ESTABLISHES THAT USE IMMUNITY HAS BEEN CONFERRED UPON HIM OR HER, THE PEOPLE MUST THEN ESTABLISH, BY A PREPONDERANCE OF THE EVIDENCE, THAT SUCH EVIDENCE WAS NOT DERIVED, DIRECTLY OR INDIRECTLY, FROM THE EVIDENCE AS TO WHICH SUCH IMMUNITY WAS CONFERRED.

S 9. Subdivision 8 of section 700.05 of the criminal procedure law is amended by adding a new paragraph (u) to read as follows:

(U) ANY OFFENSE DEFINED IN ARTICLE FOUR HUNDRED NINETY-SIX OF THE PENAL LAW, OFFICIAL MISCONDUCT IN THE THIRD DEGREE AS DEFINED IN SECTION 195.00 OF THE PENAL LAW, OFFICIAL MISCONDUCT IN THE SECOND DEGREE AS DEFINED IN SECTION 195.01 OF THE PENAL LAW, AND OFFICIAL MISCONDUCT IN THE FIRST DEGREE AS DEFINED IN SECTION 195.02 OF THE PENAL LAW.

S 10. Paragraph (f) of subdivision 8 of section 700.05 of the criminal procedure law, as amended by chapter 154 of the laws of 1990, is amended to read as follows:

(f) Bribery in the third degree, bribery in the second degree, bribery in the first degree, bribe receiving in the third degree, bribe receiving in the second degree, bribe receiving in the first degree, bribe giving for public office, FAILURE TO REPORT BRIBERY, and bribe receiving for public office, as defined in article two hundred of the penal law;

S 10-a. Subdivision 4 of section 710.60 of the criminal procedure law, as amended by chapter 39 of the laws of 1975, is amended to read as follows:

4. If the court does not determine the motion pursuant to [subdivisions] SUBDIVISION two or three, it must conduct a hearing and make findings of fact essential to the determination thereof. All persons giving factual information at such hearing must testify under oath, except that unsworn evidence pursuant to subdivision two of section 60.20 of this chapter may also be received. Upon such hearing, hearsay evidence is admissible to establish any material fact. A HEARING GRANTED UNDER THIS SUBDIVISION PURSUANT TO A MOTION TO SUPPRESS EVIDENCE DESCRIBED IN SUBDIVISION EIGHT OF SECTION 710.20 OF THIS ARTICLE MAY, IN THE DISCRETION OF THE COURT, BE CONDUCTED AFTER THE TRIAL OF THE MATTER.

S 11. Section 195.20 of the penal law is REPEALED.

S 12. Section 195.00 of the penal law, as amended by chapter 906 of the laws of 1990, is amended to read as follows:

S 195.00 Official misconduct IN THE THIRD DEGREE.

A public servant is guilty of official misconduct IN THE THIRD DEGREE when, with intent to obtain a benefit or deprive another person of a benefit:

1. He OR SHE commits an act relating to his OR HER office but constituting an unauthorized exercise of his OR HER official functions, knowing that such act is unauthorized; or

2. He OR SHE knowingly refrains from performing a duty which is imposed upon him OR HER by law or is clearly inherent in the nature of his OR HER office.

Official misconduct IN THE THIRD DEGREE is a class [A misdemeanor] E FELONY.

S 13. The penal law is amended by adding two new sections 195.01 and 195.02 to read as follows:

S 195.01 OFFICIAL MISCONDUCT IN THE SECOND DEGREE.

A PUBLIC SERVANT IS GUILTY OF OFFICIAL MISCONDUCT IN THE SECOND DEGREE WHEN HE OR SHE COMMITS THE CRIME OF OFFICIAL MISCONDUCT IN THE THIRD DEGREE AND HE OR SHE OBTAINS ANY BENEFIT OR DEPRIVES ANOTHER PERSON OF A BENEFIT VALUED IN EXCESS OF ONE THOUSAND DOLLARS.

OFFICIAL MISCONDUCT IN THE SECOND DEGREE IS A CLASS D FELONY.

S 195.02 OFFICIAL MISCONDUCT IN THE FIRST DEGREE.

A PUBLIC SERVANT IS GUILTY OF OFFICIAL MISCONDUCT IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF OFFICIAL MISCONDUCT IN THE THIRD DEGREE AND HE OR SHE OBTAINS ANY BENEFIT OR DEPRIVES ANOTHER PERSON OF A BENEFIT VALUED IN EXCESS OF THREE THOUSAND DOLLARS.

OFFICIAL MISCONDUCT IN THE FIRST DEGREE IS A CLASS C FELONY.

S 14. Part 4 of the penal law is amended by adding a new title Y-2 to read as follows:

TITLE Y-2

CORRUPTING THE GOVERNMENT

ARTICLE 496

CORRUPTING THE GOVERNMENT

SECTION 496.01 DEFINITIONS.

496.02 CORRUPTING THE GOVERNMENT IN THE FOURTH DEGREE.

496.03 CORRUPTING THE GOVERNMENT IN THE THIRD DEGREE.

496.04 CORRUPTING THE GOVERNMENT IN THE SECOND DEGREE.

496.05 CORRUPTING THE GOVERNMENT IN THE FIRST DEGREE.

496.06 PUBLIC CORRUPTION.

496.07 SENTENCING.

S 496.01 DEFINITIONS.

FOR THE PURPOSES OF THIS ARTICLE, "SCHEME" MEANS ANY PLAN, PATTERN, DEVICE, CONTRIVANCE, OR COURSE OF ACTION.

S 496.02 CORRUPTING THE GOVERNMENT IN THE FOURTH DEGREE.

A PERSON IS GUILTY OF CORRUPTING THE GOVERNMENT IN THE FOURTH DEGREE WHEN HE OR SHE ENGAGES IN A SCHEME CONSTITUTING A SYSTEMATIC ONGOING COURSE OF CONDUCT WITH INTENT TO DEFRAUD THE STATE OR ONE OR MORE POLITICAL SUBDIVISIONS OF THE STATE OR ONE OR MORE GOVERNMENTAL INSTRUMENTALITIES WITHIN THE STATE, OR TO OBTAIN PROPERTY, SERVICES OR OTHER RESOURCES FROM ANY SUCH STATE, POLITICAL SUBDIVISION OR GOVERNMENTAL INSTRUMENTALITY BY FALSE OR FRAUDULENT PRETENSES, REPRESENTATIONS OR PROMISES.

CORRUPTING THE GOVERNMENT IN THE FOURTH DEGREE IS A CLASS E FELONY.

S 496.03 CORRUPTING THE GOVERNMENT IN THE THIRD DEGREE.

A PERSON IS GUILTY OF CORRUPTING THE GOVERNMENT IN THE THIRD DEGREE WHEN HE OR SHE ENGAGES IN A SCHEME CONSTITUTING A SYSTEMATIC ONGOING COURSE OF CONDUCT WITH INTENT TO DEFRAUD THE STATE OR ONE OR MORE POLITICAL SUBDIVISIONS OF THE STATE OR ONE OR MORE GOVERNMENTAL INSTRUMENTALITIES WITHIN THE STATE, OR TO OBTAIN PROPERTY, SERVICES OR OTHER RESOURCES FROM ANY SUCH STATE, POLITICAL SUBDIVISION OR GOVERNMENTAL INSTRUMENTALITY BY FALSE OR FRAUDULENT PRETENSES, REPRESENTATIONS OR PROMISES, AND SO OBTAINS PROPERTY, SERVICES OR OTHER RESOURCES WITH A VALUE IN EXCESS OF ONE THOUSAND DOLLARS.

CORRUPTING THE GOVERNMENT IN THE THIRD DEGREE IS A CLASS D FELONY.

S 496.04 CORRUPTING THE GOVERNMENT IN THE SECOND DEGREE.

1 A PERSON IS GUILTY OF CORRUPTING THE GOVERNMENT IN THE SECOND DEGREE
2 WHEN HE OR SHE ENGAGES IN A SCHEME CONSTITUTING A SYSTEMATIC ONGOING
3 COURSE OF CONDUCT WITH INTENT TO DEFRAUD THE STATE OR ONE OR MORE POLI-
4 TICAL SUBDIVISIONS OF THE STATE OR ONE OR MORE GOVERNMENTAL INSTRUMEN-
5 TALITIES WITHIN THE STATE, OR TO OBTAIN PROPERTY, SERVICES OR OTHER
6 RESOURCES FROM ANY SUCH STATE, POLITICAL SUBDIVISION OR GOVERNMENTAL
7 INSTRUMENTALITY BY FALSE OR FRAUDULENT PRETENSES, REPRESENTATIONS OR
8 PROMISES, AND SO OBTAINS PROPERTY, SERVICES OR OTHER RESOURCES WITH A
9 VALUE IN EXCESS OF FIVE THOUSAND DOLLARS.

10 CORRUPTING THE GOVERNMENT IN THE SECOND DEGREE IS A CLASS C FELONY.
11 S 496.05 CORRUPTING THE GOVERNMENT IN THE FIRST DEGREE.

12 A PERSON IS GUILTY OF CORRUPTING THE GOVERNMENT IN THE FIRST DEGREE
13 WHEN HE OR SHE ENGAGES IN A SCHEME CONSTITUTING A SYSTEMATIC ONGOING
14 COURSE OF CONDUCT WITH INTENT TO DEFRAUD THE STATE OR ONE OR MORE POLI-
15 TICAL SUBDIVISIONS OF THE STATE OR ONE OR MORE GOVERNMENTAL INSTRUMEN-
16 TALITIES WITHIN THE STATE, OR TO OBTAIN PROPERTY, SERVICES OR OTHER
17 RESOURCES FROM ANY SUCH STATE, POLITICAL SUBDIVISION OR GOVERNMENTAL
18 INSTRUMENTALITY BY FALSE OR FRAUDULENT PRETENSES, REPRESENTATIONS OR
19 PROMISES, AND SO OBTAINS PROPERTY, SERVICES OR OTHER RESOURCES WITH A
20 VALUE IN EXCESS OF TEN THOUSAND DOLLARS.

21 CORRUPTING THE GOVERNMENT IN THE FIRST DEGREE IS A CLASS B FELONY.
22 S 496.06 PUBLIC CORRUPTION.

23 1. A PERSON COMMITS THE CRIME OF PUBLIC CORRUPTION WHEN HE OR SHE
24 COMMITS A SPECIFIED OFFENSE AND THE STATE OR ANY POLITICAL SUBDIVISION
25 THEREOF OR ANY GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE IS THE
26 OWNER OF THE PROPERTY OR HAS CONTROL OVER THE SERVICES AT ISSUE OR
27 OTHERWISE HAS THE RIGHT TO POSSESSION OF THE PROPERTY OR BENEFIT TAKEN,
28 OBTAINED OR WITHHELD SUPERIOR TO THAT PERSON OR IS OTHERWISE THE VICTIM
29 OF SUCH OFFENSE.

30 2. A "SPECIFIED OFFENSE" IS AN OFFENSE DEFINED BY ANY OF THE FOLLOWING
31 PROVISIONS OF THIS CHAPTER: SECTION 155.25 (PETIT LARCENY); SECTION
32 155.30 (GRAND LARCENY IN THE FOURTH DEGREE); SECTION 155.35 (GRAND
33 LARCENY IN THE THIRD DEGREE); SECTION 155.40 (GRAND LARCENY IN THE
34 SECOND DEGREE); SECTION 155.42 (GRAND LARCENY IN THE FIRST DEGREE);
35 SECTION 156.05 (UNAUTHORIZED USE OF A COMPUTER); SECTION 165.05 (UNAU-
36 THORIZED USE OF A VEHICLE IN THE THIRD DEGREE); 165.06 (UNAUTHORIZED USE
37 OF A VEHICLE IN THE SECOND DEGREE); 165.08 (UNAUTHORIZED USE OF A VEHI-
38 CLE IN THE FIRST DEGREE); 470.05 (MONEY LAUNDERING IN THE FOURTH
39 DEGREE); 470.10 (MONEY LAUNDERING IN THE THIRD DEGREE); 470.15 (MONEY
40 LAUNDERING IN THE SECOND DEGREE); 470.20 (MONEY LAUNDERING IN THE FIRST
41 DEGREE).

42 S 496.07 SENTENCING.

43 1. WHEN A PERSON IS CONVICTED OF THE CRIME OF PUBLIC CORRUPTION PURSU-
44 ANT TO SECTION 496.06 OF THIS ARTICLE AND THE SPECIFIED OFFENSE IS A
45 MISDEMEANOR OR A CLASS C, D OR E FELONY, THE CRIME SHALL BE DEEMED TO BE
46 ONE CATEGORY HIGHER THAN THE SPECIFIED OFFENSE THE DEFENDANT COMMITTED,
47 OR ONE CATEGORY HIGHER THAN THE OFFENSE LEVEL APPLICABLE TO THE DEFEND-
48 ANT'S CONVICTION FOR AN ATTEMPT OR CONSPIRACY TO COMMIT A SPECIFIED
49 OFFENSE, WHICHEVER IS APPLICABLE.

50 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A PERSON IS
51 CONVICTED OF THE CRIME OF PUBLIC CORRUPTION PURSUANT TO THIS ARTICLE AND
52 THE SPECIFIED OFFENSE IS A CLASS B FELONY:

53 (A) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE MUST BE AT LEAST
54 SIX YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.00 OF
55 THIS CHAPTER; AND

(B) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE MUST BE AT LEAST TEN YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.06 OF THIS CHAPTER.

S 15. Subdivision 4 of section 200.50 of the criminal procedure law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

4. A statement in each count that the grand jury, or, where the accusatory instrument is a superior court information, the district attorney, accuses the defendant or defendants of a designated offense, provided that in any prosecution under article four hundred eighty-five of the penal law, the designated offense shall be the specified offense, as defined in subdivision three of section 485.05 of the penal law, followed by the phrase "as a hate crime", and provided further that in any prosecution under section 490.25 of the penal law, the designated offense shall be the specified offense, as defined in subdivision three of section 490.05 of the penal law, followed by the phrase "as a crime of terrorism"; and provided further that in any prosecution under section 130.91 of the penal law, the designated offense shall be the specified offense, as defined in subdivision two of section 130.91 of the penal law, followed by the phrase "as a sexually motivated felony"; AND PROVIDED FURTHER THAT IN ANY PROSECUTION UNDER SECTION 496.06 OF THE PENAL LAW, THE DESIGNATED OFFENSE SHALL BE THE SPECIFIED OFFENSE, AS DEFINED IN SUBDIVISION TWO OF SUCH SECTION, FOLLOWED BY THE PHRASE "AS A PUBLIC CORRUPTION CRIME"; and

S 16. Paragraph (a) of subdivision 1 of section 460.10 of the penal law, as amended by chapter 405 of the laws of 2010, is amended to read as follows:

(a) Any of the felonies set forth in this chapter: sections 120.05, 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relating to strangulation; sections 125.10 to 125.27 relating to homicide; sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and 135.25 relating to kidnapping; section 135.35 relating to labor trafficking; section 135.65 relating to coercion; sections 140.20, 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12 relating to criminal mischief; article one hundred fifty relating to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health care fraud; article one hundred sixty relating to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of stolen property; sections 165.72 and 165.73 relating to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating to criminal diversion of prescription medications and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 195.00, 195.01, 195.02, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 215.00, 215.05 and 215.19 relating to bribery; sections 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage fraud, sections 190.40 and 190.42 relating to criminal usury; section 190.65 relating to schemes to defraud; ANY OFFENSE DEFINED IN ARTICLE FOUR HUNDRED NINETY-SIX; sections 205.60 and 205.65 relating to hindering prosecution; sections 210.10, 210.15, and 215.51 relating to perjury and contempt; section 215.40 relating to tampering with physical evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60 and 220.77 relat-

1 ing to controlled substances; sections 225.10 and 225.20 relating to
2 gambling; sections 230.25, 230.30, and 230.32 relating to promoting
3 prostitution; section 230.34 relating to sex trafficking; sections
4 235.06, 235.07, 235.21 and 235.22 relating to obscenity; sections 263.10
5 and 263.15 relating to promoting a sexual performance by a child;
6 sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the
7 provisions of section 265.10 which constitute a felony relating to
8 firearms and other dangerous weapons; [and] sections 265.14 and 265.16
9 relating to criminal sale of a firearm; [and] section 275.10, 275.20,
10 275.30, or 275.40 relating to unauthorized recordings; and sections
11 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

12 S 17. Section 200.00 of the penal law, as amended by chapter 833 of
13 the laws of 1986, is amended to read as follows:

14 S 200.00 Bribery in the third degree.

15 A person is guilty of bribery in the third degree when he OR SHE
16 confers, or offers or agrees to confer, any benefit upon a public serv-
17 ant [upon an agreement or understanding that] WITH THE INTENT TO INFLU-
18 ENCE, IN WHOLE OR IN PART, such public servant's vote, opinion, judg-
19 ment, action, decision or exercise of discretion as a public servant
20 [will thereby be influenced].

21 Bribery in the third degree is a class D felony.

22 S 18. Section 200.03 of the penal law, as amended by chapter 833 of
23 the laws of 1986, is amended to read as follows:

24 S 200.03 Bribery in the second degree.

25 A person is guilty of bribery in the second degree when he OR SHE
26 confers, or offers or agrees to confer, any benefit valued in excess of
27 [ten] FIVE thousand dollars upon a public servant [upon an agreement or
28 understanding that] WITH THE INTENT TO INFLUENCE, IN WHOLE OR IN PART,
29 such public servant's vote, opinion, judgment, action, decision or exer-
30 cise of discretion as a public servant [will thereby be influenced].

31 Bribery in the second degree is a class C felony.

32 S 19. Section 200.04 of the penal law, as added by chapter 276 of the
33 laws of 1973, is amended to read as follows:

34 S 200.04 Bribery in the first degree.

35 A person is guilty of bribery in the first degree when he OR SHE
36 confers, or offers or agrees to confer[,]: (A) any benefit upon a public
37 servant [upon an agreement or understanding that] WITH THE INTENT TO
38 INFLUENCE such public servant's vote, opinion, judgment, action, deci-
39 sion or exercise of discretion as a public servant [will thereby be
40 influenced] in the investigation, arrest, detention, prosecution or
41 incarceration of any person for the commission or alleged commission of
42 a class A felony defined in article two hundred twenty of [the penal
43 law] THIS PART or an attempt to commit any such class A felony; OR (B)
44 ANY BENEFIT VALUED IN EXCESS OF TEN THOUSAND DOLLARS UPON A PUBLIC SERV-
45 ANT WITH THE INTENT TO INFLUENCE, IN WHOLE OR IN PART, SUCH PUBLIC SERV-
46 ANT'S VOTE, OPINION, JUDGMENT, ACTION, DECISION OR EXERCISE OF
47 DISCRETION AS A PUBLIC SERVANT.

48 Bribery in the first degree is a class B felony.

49 S 20. Section 200.05 of the penal law is amended to read as follows:

50 S 200.05 Bribery; defense; LIMITATIONS.

51 1. In any prosecution for bribery, it is a defense that the defendant
52 conferred or agreed to confer the benefit involved upon the public serv-
53 ant involved as a result of conduct of the latter constituting larceny
54 committed by means of extortion, or an attempt to commit the same, or
55 coercion, or an attempt to commit coercion;

1 2. IN ANY PROSECUTION PURSUANT TO SECTION 200.00, 200.03, 200.04,
2 200.10, 200.11, 200.12, 200.45 OR 200.50 OF THIS ARTICLE, NO PERSON
3 SHALL BE HELD TO HAVE VIOLATED SUCH SECTIONS WHERE THE BENEFIT IS A
4 CAMPAIGN CONTRIBUTION THAT IS PERMISSIBLE UNDER ARTICLE FOURTEEN OF THE
5 ELECTION LAW OR A COMPARABLE APPLICABLE PROVISION OF FEDERAL LAW, IS A
6 LOBBYING EXPENSE THAT IS LEGAL UNDER ARTICLE ONE-A OF THE LEGISLATIVE
7 LAW OR, PURSUANT TO SUBDIVISION (J) OF SECTION ONE-C OF THE LEGISLATIVE
8 LAW IS EXCLUDABLE FROM THE DEFINITION OF A GIFT, UNLESS SUCH PERSON
9 CONFERS, OR OFFERS OR AGREES TO CONFER, SUCH BENEFIT UPON A PUBLIC SERV-
10 ANT UPON AN AGREEMENT OR UNDERSTANDING THAT SUCH PUBLIC SERVANT'S VOTE,
11 OPINION, JUDGMENT, ACTION, DECISION OR EXERCISE OF DISCRETION AS A
12 PUBLIC SERVANT WILL THEREBY BE INFLUENCED.

13 S 21. Section 200.10 of the penal law, as amended by chapter 833 of
14 the laws of 1986, is amended to read as follows:
15 S 200.10 Bribe receiving in the third degree.

16 A public servant is guilty of bribe receiving in the third degree when
17 he OR SHE:

18 1. solicits, accepts or agrees to accept any benefit from another
19 person upon an agreement or understanding that his OR HER vote, opinion,
20 judgment, action, decision or exercise of discretion as a public servant
21 will thereby be influenced[.]; OR

22 2. SOLICITS, ACCEPTS OR AGREES TO ACCEPT A GIFT OF MORE THAN NOMINAL
23 VALUE FROM ANOTHER PERSON FOR, BECAUSE OF, OR AS CONSIDERATION FOR HIS
24 OR HER VOTE, OPINION, JUDGMENT, ACTION, DECISION OR EXERCISE OF
25 DISCRETION AS A PUBLIC SERVANT.

26 Bribe receiving in the third degree is a class D felony.

27 S 22. Section 200.11 of the penal law, as added by chapter 833 of the
28 laws of 1986, is amended to read as follows:

29 S 200.11 Bribe receiving in the second degree.

30 A public servant is guilty of bribe receiving in the second degree
31 when he OR SHE solicits, accepts or agrees to accept any benefit valued
32 in excess of [ten] FIVE thousand dollars from another person [upon an
33 agreement or understanding that], FOR, BECAUSE OF, OR AS CONSIDERATION
34 FOR his OR HER vote, opinion, judgment, action, decision or exercise of
35 discretion as a public servant [will thereby be influenced].

36 Bribe receiving in the second degree is a class C felony.

37 S 23. Section 200.12 of the penal law, as added by chapter 276 of the
38 laws of 1973, is amended to read as follows:

39 S 200.12 Bribe receiving in the first degree.

40 A public servant is guilty of bribe receiving in the first degree when
41 he OR SHE solicits, accepts or agrees to accept: (A) any benefit from
42 another person [upon an agreement or understanding that], FOR, BECAUSE
43 OF, OR AS CONSIDERATION FOR his OR HER vote, opinion, judgment, action,
44 decision or exercise of discretion as a public servant [will thereby be
45 influenced] in the investigation, arrest, detention, prosecution or
46 incarceration of any person for the commission or alleged commission of
47 a class A felony defined in article two hundred twenty of [the penal
48 law] THIS PART or an attempt to commit any such class A felony; OR (B)
49 ANY BENEFIT VALUED IN EXCESS OF TEN THOUSAND DOLLARS FROM ANOTHER
50 PERSON, FOR, BECAUSE OF, OR AS CONSIDERATION FOR HIS OR HER VOTE, OPIN-
51 ION, JUDGMENT, ACTION, DECISION OR EXERCISE OF DISCRETION AS A PUBLIC
52 SERVANT.

53 Bribe receiving in the first degree is a class B felony.

54 S 24. Section 200.45 of the penal law is amended to read as follows:

55 S 200.45 Bribe giving for public office.

1 A person is guilty of bribe giving for public office when he OR SHE
2 confers, or offers or agrees to confer, any money or other property upon
3 a public servant or a party officer [upon an agreement or understanding
4 that] , FOR, BECAUSE OF, OR AS CONSIDERATION THAT some person will or
5 may be appointed to a public office or designated or nominated as a
6 candidate for public office.

7 Bribe giving for public office is a class D felony.

8 S 25. Section 200.50 of the penal law is amended to read as follows:

9 S 200.50 Bribe receiving for public office.

10 A public servant or a party officer is guilty of bribe receiving for
11 public office when he OR SHE solicits, accepts or agrees to accept any
12 money or other property from another person [upon an agreement or under-
13 standing that], FOR, BECAUSE OF, OR AS CONSIDERATION THAT some person
14 will or may be appointed to a public office or designated or nominated
15 as a candidate for public office.

16 Bribe receiving for public office is a class D felony.

17 S 26. The penal law is amended by adding a new section 200.56 to read
18 as follows:

19 S 200.56 FAILURE TO REPORT BRIBERY.

20 1. A PUBLIC SERVANT IS GUILTY OF FAILURE TO REPORT BRIBERY WHEN:

21 (A) THE PUBLIC SERVANT KNOWS THAT ANOTHER PERSON HAS ATTEMPTED TO
22 BRIBE SUCH PUBLIC SERVANT, AS SUCH CONDUCT IS DEFINED IN THIS ARTICLE,
23 OR SUCH PUBLIC SERVANT HAS WITNESSED OR HAS KNOWLEDGE OF EITHER (I) A
24 PERSON COMMITTING ANY DEGREE OF THE CRIME OF BRIBERY OR ATTEMPTING TO
25 COMMIT BRIBERY OF ANOTHER PUBLIC SERVANT, AS SUCH CONDUCT IS DEFINED IN
26 THIS ARTICLE OR (II) ANOTHER PUBLIC SERVANT COMMITTING ANY DEGREE OF THE
27 CRIME OF BRIBE RECEIVING, AS DEFINED IN THIS ARTICLE; AND

28 (B) SUCH PUBLIC SERVANT DOES NOT, AS SOON AS REASONABLY PRACTICABLE,
29 REPORT SUCH CRIME TO A DISTRICT ATTORNEY.

30 2. ANY PUBLIC SERVANT WHO MAKES A REPORT AS REQUIRED BY THIS SECTION
31 SHALL NOT BE SUBJECT TO DISMISSAL, DISCIPLINE OR OTHER ADVERSE PERSONNEL
32 ACTION AS A RESULT OF MAKING SUCH REPORT.

33 FAILURE TO REPORT BRIBERY IS A CLASS A MISDEMEANOR.

34 S 27. Subdivision 1 of section 80.00 of the penal law, as amended by
35 chapter 338 of the laws of 1989, is amended to read as follows:

36 1. A sentence to pay a fine for a felony shall be a sentence to pay an
37 amount, fixed by the court, not exceeding the higher of

38 a. five thousand dollars; or

39 b. double the amount of the defendant's gain from the commission of
40 the crime OR, IF THE DEFENDANT IS CONVICTED OF A CRIME DEFINED IN ARTI-
41 CLE FOUR HUNDRED NINETY-SIX OF THIS CHAPTER, ANY HIGHER AMOUNT NOT
42 EXCEEDING THREE TIMES THE AMOUNT OF THE DEFENDANT'S GAIN FROM THE
43 COMMISSION OF SUCH OFFENSE; or

44 c. if the conviction is for any felony defined in article two hundred
45 twenty or two hundred twenty-one of this chapter, according to the
46 following schedule:

47 (i) for A-I felonies, one hundred thousand dollars;

48 (ii) for A-II felonies, fifty thousand dollars;

49 (iii) for B felonies, thirty thousand dollars;

50 (iv) for C felonies, fifteen thousand dollars.

51 When imposing a fine pursuant to the provisions of this paragraph, the
52 court shall consider the profit gained by defendant's conduct, whether
53 the amount of the fine is disproportionate to the conduct in which
54 defendant engaged, its impact on any victims, and defendant's economic
55 circumstances, including the defendant's ability to pay, the effect of

1 the fine upon his or her immediate family or any other persons to whom
2 the defendant owes an obligation of support.

3 S 28. Subdivision 1 of section 80.10 of the penal law is amended to
4 read as follows:

5 1. In general. A sentence to pay a fine, when imposed on a corporation
6 for an offense defined in this chapter or for an offense defined outside
7 this chapter for which no special corporate fine is specified, shall be
8 a sentence to pay an amount, fixed by the court, not exceeding:

9 (a) Ten thousand dollars, when the conviction is of a felony;

10 (b) Five thousand dollars, when the conviction is of a class A misde-
11 meanor or of an unclassified misdemeanor for which a term of imprison-
12 ment in excess of three months is authorized;

13 (c) Two thousand dollars, when the conviction is of a class B misde-
14 meanor or of an unclassified misdemeanor for which the authorized term
15 of imprisonment is not in excess of three months;

16 (d) Five hundred dollars, when the conviction is of a violation;

17 (e) Any higher amount not exceeding double the amount of the corpo-
18 ration's gain from the commission of the offense OR, IF THE CORPORATION
19 IS CONVICTED OF A CRIME DEFINED IN ARTICLE FOUR HUNDRED NINETY-SIX OF
20 THIS CHAPTER, ANY HIGHER AMOUNT NOT EXCEEDING THREE TIMES THE AMOUNT OF
21 THE CORPORATION'S GAIN FROM THE COMMISSION OF SUCH OFFENSE.

22 S 29. Subdivision (a) of section 1-c of the legislative law, as added
23 by chapter 2 of the laws of 1999, is amended to read as follows:

24 (a) The term "lobbyist" shall mean every person or organization
25 retained, employed or designated by any client to engage in lobbying.
26 The term "lobbyist" shall not include any officer, director, trustee,
27 employee, counsel or agent of the state, or any municipality or subdivi-
28 sion thereof of New York when discharging their official duties; except
29 those officers, directors, trustees, employees, counsels, or agents of
30 colleges, as defined by section two of the education law. PROVIDED THAT
31 ANY INDIVIDUAL WHO STANDS CONVICTED OF A CRIME DEFINED IN ARTICLE TWO
32 HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02
33 OF THE PENAL LAW MAY NOT BE RETAINED, EMPLOYED OR DESIGNATED BY ANY
34 CLIENT TO ENGAGE IN LOBBYING.

35 S 30. Section 139-a of the state finance law, as amended by chapter
36 268 of the laws of 1971, is amended to read as follows:

37 S 139-a. Ground for cancellation of contract by state. A clause shall
38 be inserted in all specifications or contracts hereafter made or awarded
39 by the state or any public department, agency or official thereof, for
40 work or services performed or to be performed, or goods sold or to be
41 sold, to provide that: (A) upon the refusal by a person, when called
42 before a grand jury, head of a state department, temporary state commis-
43 sion or other state agency, or the organized crime task force in the
44 department of law, which is empowered to compel the attendance of
45 witnesses and examine them under oath, to testify in an investigation,
46 concerning any transaction or contract had with the state, any political
47 subdivision thereof, a public authority or with any public department,
48 agency or official of the state or of any political subdivision thereof
49 or of a public authority, to sign a waiver of immunity against subse-
50 quent criminal prosecution or to answer any relevant question concerning
51 such transaction or contract; OR (B) UPON THE CONVICTION OF ANY PERSON
52 OF AN OFFENSE DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX
53 OR SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW,

54 [(a)] (I) such person, and any firm, partnership or corporation of
55 which he is a member, partner, director or officer shall be disqualified
56 from thereafter selling to or submitting bids to or receiving awards

1 from or entering into any contracts with the state or any public depart-
2 ment, agency or official thereof, for goods, work or services, for a
3 period of five years after such refusal, OR UPON CONVICTION OF ANY
4 OFFENSE DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR
5 SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW, FOR LIFE, and to
6 provide also that

7 [(b)] (II) any and all contracts made with the state or any public
8 department, agency or official thereof, since the effective date of this
9 law, by such person, and by any firm, partnership or corporation of
10 which he is a member, partner, director or officer may be cancelled or
11 terminated by the state without incurring any penalty or damages on
12 account of such cancellation or termination, but any monies owing by the
13 state for goods delivered or work done prior to the cancellation or
14 termination shall be paid.

15 S 31. Section 139-b of the state finance law, as amended by chapter
16 268 of the laws of 1971, is amended to read as follows:

17 S 139-b. Disqualification to contract with state. 1. Any person who,
18 when called before a grand jury, head of a state department, temporary
19 state commission or other state agency, or the organized crime task
20 force in the department of law, which is empowered to compel the attend-
21 ance of witnesses and examine them under oath, to testify in an investi-
22 gation, concerning any transaction or contract had with the state, any
23 political subdivision thereof, a public authority or with a public
24 department, agency or official of the state or of any political subdivi-
25 sion thereof or of a public authority, refuses to sign a waiver of immu-
26 nity against subsequent criminal prosecution or to answer any relevant
27 question concerning such transaction or contract, and any firm, partner-
28 ship or corporation of which [he] ANY SUCH PERSON is a member, partner,
29 director or officer shall be disqualified from thereafter selling to or
30 submitting bids to or receiving awards from or entering into any
31 contracts with the state or any public department, agency or official
32 thereof, for goods, work or services, for a period of five years after
33 such refusal or until a disqualification shall be removed pursuant to
34 the provisions of section one hundred thirty-nine-c of this article.

35 It shall be the duty of the officer conducting the investigation
36 before the grand jury, the head of a state department, the [chairman]
37 CHAIR of the temporary state commission or other state agency, or the
38 organized crime task force in the department of law before which the
39 refusal occurs to send notice of such refusal, together with the names
40 of any firm, partnership or corporation of which the person so refusing
41 is known to be a member, partner, officer or director, to the state
42 commissioner of transportation, except in the event the investigation
43 concerns a public building transaction or contract said notice shall be
44 sent to the state commissioner of general services, and the appropriate
45 departments, agencies and officials of the state, political subdivisions
46 thereof or public authorities with whom the person so refusing and any
47 firm, partnership or corporation of which he is a member, partner,
48 director or officer, is known to have a contract. However, when such
49 refusal occurs before a body other than a grand jury, notice of refusal
50 shall not be sent for a period of ten days after such refusal occurs.
51 Prior to the expiration of this ten day period, any person, firm, part-
52 nership or corporation which has become liable to the cancellation or
53 termination of a contract or disqualification to contract on account of
54 such refusal may commence a special proceeding at a special term of the
55 supreme court, held within the judicial district in which the refusal
56 occurred, for an order determining whether the questions in response to

1 which the refusal occurred were relevant and material to the inquiry.
2 Upon the commencement of such proceeding, the sending of such notice of
3 refusal to answer shall be subject to order of the court in which the
4 proceeding was brought in a manner and on such terms as the court may
5 deem just. If a proceeding is not brought within ten days, notice of
6 refusal shall thereupon be sent as provided herein.

7 2. ANY PERSON WHO STANDS CONVICTED OF AN OFFENSE DEFINED IN ARTICLE
8 TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR
9 195.02 OF THE PENAL LAW, AND ANY FIRM, PARTNERSHIP OR CORPORATION OF
10 WHICH ANY SUCH PERSON IS A MEMBER, PARTNER, DIRECTOR OR OFFICER SHALL BE
11 DISQUALIFIED, FOR LIFE, FROM THEREAFTER SELLING TO OR SUBMITTING BIDS TO
12 OR RECEIVING AWARDS FROM OR ENTERING INTO ANY CONTRACTS WITH THE STATE
13 OR ANY PUBLIC DEPARTMENT, AGENCY OR OFFICIAL THEREOF, FOR GOODS, WORK OR
14 SERVICES. IN THE EVENT A PERSON OR FIRM, PARTNERSHIP OR CORPORATION IS
15 SO CONVICTED, THE OFFICE RESPONSIBLE FOR PROSECUTING SUCH OFFENSE SHALL
16 SEND NOTICE OF SUCH CONVICTION TOGETHER WITH THE NAMES OF ANY FIRM,
17 PARTNERSHIP OR CORPORATION OF WHICH THE PERSON IS KNOWN TO BE A MEMBER,
18 PARTNER, OFFICER OR DIRECTOR, TO THE STATE COMMISSIONER OF GENERAL
19 SERVICES, AND SUCH APPROPRIATE DEPARTMENTS, AGENCIES AND OFFICIALS OF
20 THE STATE, POLITICAL SUBDIVISIONS THEREOF OR PUBLIC AUTHORITIES WITH
21 WHOM THE PERSON AND ANY FIRM, PARTNERSHIP OR CORPORATION OF WHICH HE IS
22 A MEMBER, PARTNER, DIRECTOR OR OFFICER, IS KNOWN TO HAVE A CONTRACT.

23 S 32. Subdivision 6 of section 1310 of the civil practice law and
24 rules, as added by chapter 669 of the laws of 1984, is amended to read
25 as follows:

26 6. "Pre-conviction forfeiture crime" means only a felony defined in
27 article two hundred twenty OR FOUR HUNDRED NINETY-SIX or section 195.00,
28 195.01, 195.02, 221.30 or 221.55 of the penal law.

29 S 33. Section 3 of the public officers law is amended by adding a new
30 subdivision 1-a to read as follows:

31 1-A. NO PERSON SHALL BE CAPABLE OF HOLDING A CIVIL OFFICE WHO SHALL
32 STAND CONVICTED OF A CRIME DEFINED IN ARTICLE TWO HUNDRED OR FOUR
33 HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW.

34 S 34. The real property tax law is amended by adding a new section 493
35 to read as follows:

36 S 493. LIMITATIONS. 1. NOTWITHSTANDING ANY PROVISION OF LAW TO THE
37 CONTRARY, ANY REAL PROPERTY WHICH WOULD OTHERWISE BE ELIGIBLE FOR AN
38 EXEMPTION, CREDIT, ABATEMENT, REBATE OR OTHER REDUCTION OR OFFSET OF
39 REAL PROPERTY TAX LIABILITY AUTHORIZED BY LAW SHALL NOT BE SO ELIGIBLE
40 IF ANY PERSON WHO STANDS TO BENEFIT FROM THE EXEMPTION, CREDIT, ABATE-
41 MENT, REBATE OR OTHER REDUCTION OR OFFSET STANDS CONVICTED OF AN OFFENSE
42 DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION
43 195.00, 195.01 OR 195.02 OF THE PENAL LAW.

44 2. FOR PURPOSES OF THIS SECTION, A PERSON SHALL BE DEEMED TO STAND TO
45 BENEFIT FROM AN EXEMPTION, CREDIT, ABATEMENT, REBATE OR OTHER REDUCTION
46 OR OFFSET OF REAL PROPERTY TAX LIABILITY IF THE PERSON IS:

47 (A) AN OWNER OR BENEFICIAL OWNER THEREOF, OR

48 (B) IN THE CASE OF RESIDENTIAL REAL PROPERTY OWNED BY A COOPERATIVE
49 APARTMENT CORPORATION, A TENANT-STOCKHOLDER RESIDING THEREIN, OR

50 (C) IN THE CASE OF A PARTNERSHIP THAT HAS LEGAL TITLE TO PROPERTY, OR
51 IS OBLIGATED TO MAKE PAYMENTS IN LIEU OF TAXES THEREON, A PARTNER THERE-
52 OF, OR

53 (D) IN THE CASE OF A LIMITED LIABILITY COMPANY THAT HAS LEGAL TITLE TO
54 PROPERTY, OR IS OBLIGATED TO MAKE PAYMENTS IN LIEU OF TAXES THEREON, A
55 MANAGER OR MEMBER THEREOF, OR

(E) IN THE CASE OF A CORPORATION THAT HAS LEGAL TITLE TO PROPERTY OR IS OBLIGATED TO MAKE PAYMENTS IN LIEU OF TAXES THEREON, A DIRECTOR OR OFFICER THEREOF.

3. IN THE EVENT A PERSON OR FIRM, PARTNERSHIP OR CORPORATION IS CONVICTED OF AN OFFENSE DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW, THE OFFICE RESPONSIBLE FOR PROSECUTING SUCH OFFENSE SHALL SEND NOTICE OF SUCH CONVICTION, TOGETHER WITH THE NAMES OF ANY FIRM, PARTNERSHIP OR CORPORATION OF WHICH THE PERSON IS KNOWN TO BE A MEMBER, PARTNER, OFFICER OR DIRECTOR, TO THE ASSESSOR OF ANY ASSESSING UNIT IN WHICH SUCH PERSON OR SUCH FIRM, PARTNERSHIP OR CORPORATION IS KNOWN TO OWN PROPERTY.

S 35. Section 960 of the general municipal law is amended by adding a new subdivision (f) to read as follows:

(F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A BUSINESS ENTERPRISE SHALL NOT BE ELIGIBLE FOR ANY BENEFITS PURSUANT TO THIS ARTICLE IF SUCH ENTERPRISE STANDS CONVICTED OF AN OFFENSE DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW, OR IF ANY MEMBER, PARTNER, DIRECTOR OR OFFICER OF SUCH ENTERPRISE STANDS CONVICTED OF ANY SUCH OFFENSE.

S 36. The tax law is amended by adding a new section 41 to read as follows:

S 41. LIMITATIONS ON TAX CREDIT ELIGIBILITY. ANY TAXPAYER WHO STANDS CONVICTED, OR WHO IS A SHAREHOLDER OF AN S CORPORATION OR PARTNER IN A PARTNERSHIP WHICH IS CONVICTED, OF AN OFFENSE DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW SHALL NOT BE ELIGIBLE FOR ANY TAX CREDIT ALLOWED UNDER ARTICLE NINE, NINE-A, THIRTY-TWO OR THIRTY-THREE OF THIS CHAPTER OR ANY BUSINESS TAX CREDIT ALLOWED UNDER ARTICLE TWENTY-TWO OF THIS CHAPTER. FOR PURPOSES OF THIS SECTION, A BUSINESS TAX CREDIT ALLOWED UNDER ARTICLE TWENTY-TWO OF THIS CHAPTER IS A TAX CREDIT ALLOWED TO TAXPAYERS UNDER ARTICLE TWENTY-TWO WHICH IS SUBSTANTIALLY SIMILAR TO A TAX CREDIT ALLOWED TO TAXPAYERS UNDER ARTICLE NINE-A OF THIS CHAPTER. IN THE EVENT A PERSON OR FIRM, PARTNERSHIP OR CORPORATION IS CONVICTED OF AN OFFENSE DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW, THE OFFICE RESPONSIBLE FOR PROSECUTING SUCH OFFENSE SHALL SEND NOTICE OF SUCH CONVICTION, TOGETHER WITH THE NAMES OF ANY FIRM, PARTNERSHIP OR CORPORATION OF WHICH THE PERSON IS KNOWN TO BE A MEMBER, PARTNER, OFFICER OR DIRECTOR, TO THE COMMISSIONER.

S 37. Paragraph 8 of subdivision 3 of section 73-a of the public officers law, as amended by section 5 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

8. (a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, or works as a member or employee of a firm required to register pursuant to section one-e of the legislative law as a lobbyist, [give] DESCRIBE THE SERVICES RENDERED FOR WHICH COMPENSATION WAS PAID, INCLUDING a general description of the principal subject areas of matters undertaken by such individual OR PRINCIPAL DUTIES PERFORMED. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation.

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6 (b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE
7 PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE, OR FOR NEW MATTERS
8 FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT
9 ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE:

10 If the reporting individual personally provides services to any person
11 or entity, or works as a member or employee of a partnership or corpo-
12 ration that provides such services (referred to hereinafter as a
13 "firm"), then identify each client or customer to whom the reporting
14 individual personally AND KNOWINGLY provided DIRECT OR INDIRECT
15 services, or who was referred to the firm by the reporting individual,
16 and from whom the reporting individual or his or her firm earned fees in
17 excess of \$10,000 during the reporting period for such services rendered
18 in direct connection with:

19 (i) A proposed bill or resolution in the senate or assembly during the
20 reporting period;

21 (ii) A contract in an amount totaling \$50,000 or more from the state
22 or any state agency for services, materials, or property;

23 (iii) A grant of \$25,000 or more from the state or any state agency
24 during the reporting period;

25 (iv) A grant obtained through a legislative initiative during the
26 reporting period; or

27 (v) A case, proceeding, application or other matter that is not a
28 ministerial matter before a state agency during the reporting period.

29 For purposes of this question, "referred to the firm" shall mean:
30 having intentionally and knowingly taken a specific act or series of
31 acts to intentionally procure for the reporting individual's firm or
32 knowingly solicit or direct to the reporting individual's firm in whole
33 or substantial part, a person or entity that becomes a client of that
34 firm for the purposes of representation for a matter as defined in
35 subparagraphs (i) through (v) of this paragraph, as the result of such
36 procurement, solicitation or direction of the reporting individual. A
37 reporting individual need not disclose activities performed while
38 lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivi-
39 sion seven of section seventy-three of this article.

40 The disclosure requirement in this question shall not require disclo-
41 sure of clients or customers receiving medical or dental services,
42 mental health services, residential real estate brokering services, or
43 insurance brokering services from the reporting individual or his or her
44 firm. The reporting individual need not identify any client to whom he
45 or she or his or her firm provided legal representation with respect to
46 investigation or prosecution by law enforcement authorities, bankruptcy,
47 or domestic relations matters. With respect to clients represented in
48 other matters, where disclosure of a client's identity is likely to
49 cause harm, the reporting individual shall request an exemption from the
50 joint commission pursuant to paragraph (i) of subdivision nine of
51 section ninety-four of the executive law. Only a reporting individual
52 who first enters public office after July first, two thousand twelve,
53 need not report clients or customers with respect to matters for which
54 the reporting individual or his or her firm was retained prior to enter-
55 ing public office.

Client	Nature of Services Provided

(c) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN:

(I) IF THE REPORTING INDIVIDUAL RECEIVES INCOME OF \$50,000 OR GREATER FROM ANY EMPLOYMENT OR ACTIVITY REPORTABLE UNDER QUESTION 8(A), INCLUDING THE PRACTICE OF LAW, IDENTIFY EACH CLIENT OR CUSTOMER TO WHOM THE REPORTING INDIVIDUAL OR HIS OR HER FIRM EARNED FEES IN EXCESS OF \$10,000 DURING THE REPORTING PERIOD FOR SUCH SERVICES RENDERED IF SUCH CLIENT OR CUSTOMER HAS A PENDING MATTER WITH THE STATE, EVEN IF THE REPORTING INDIVIDUAL PROVIDES NO SERVICES RELATED TO SUCH MATTER, IN DIRECT CONNECTION WITH:

(A) A PROPOSED BILL OR RESOLUTION IN THE SENATE OR ASSEMBLY DURING THE REPORTING PERIOD;

(B) A CONTRACT IN AN AMOUNT TOTALING \$50,000 OR MORE FROM THE STATE OR ANY STATE AGENCY FOR SERVICES, MATERIALS, OR PROPERTY;

(C) A GRANT OF \$25,000 OR MORE FROM THE STATE OR ANY STATE AGENCY DURING THE REPORTING PERIOD;

(D) A GRANT OBTAINED THROUGH A LEGISLATIVE INITIATIVE DURING THE REPORTING PERIOD; OR

(E) A CASE, PROCEEDING, APPLICATION OR OTHER MATTER THAT IS NOT A MINISTRIAL MATTER BEFORE A STATE AGENCY DURING THE REPORTING PERIOD.

(II) THE REPORTING INDIVIDUAL SHALL IDENTIFY EVERY CLIENT DIRECTLY REFERRED TO SUCH INDIVIDUAL BY A REGISTERED LOBBYIST OR CLIENT OF A LOBBYIST WHERE SUCH REFERRAL SHALL HAVE BEEN MADE BY DIRECT COMMUNICATION FROM THE LOBBYIST OR CLIENT OF A LOBBYIST TO THE REPORTING INDIVIDUAL. WITH RESPECT TO EACH SUCH CLIENT, THE REPORTING INDIVIDUAL SHALL IDENTIFY THE NAME OF THE CLIENT SO REFERRED, THE AMOUNT OF COMPENSATION RECEIVED, AND THE NAME OF THE LOBBYIST OR CLIENT OF A LOBBYIST WHO REFERRED SUCH CLIENT. THE DISCLOSURE REQUIREMENTS IN CLAUSES (I) AND

(II) OF THIS SUBPARAGRAPH SHALL NOT REQUIRE DISCLOSURE OF CLIENTS OR CUSTOMERS RECEIVING MEDICAL OR DENTAL SERVICES, MENTAL HEALTH SERVICES, RESIDENTIAL REAL ESTATE BROKERING SERVICES, OR INSURANCE BROKERING SERVICES FROM THE REPORTING INDIVIDUAL OR HIS OR HER FIRM. THE REPORTING INDIVIDUAL NEED NOT IDENTIFY ANY CLIENT TO WHOM HE OR SHE OR HIS OR HER FIRM PROVIDED LEGAL REPRESENTATION WITH RESPECT TO INVESTIGATION OR PROSECUTION BY LAW ENFORCEMENT AUTHORITIES, BANKRUPTCY, OR DOMESTIC RELATIONS MATTERS. WITH RESPECT TO CLIENTS REPRESENTED IN OTHER MATTERS, THE REPORTING INDIVIDUAL SHALL REQUEST AN EXEMPTION FROM THE JOINT COMMISSION, WHICH SHALL BE GRANTED FOR GOOD CAUSE SHOWN. FOR THE PURPOSES OF THIS QUESTION, GOOD CAUSE MAY BE SHOWN BY CIRCUMSTANCES INCLUDING, BUT NOT LIMITED TO, WHERE DISCLOSURE OF A CLIENT'S IDENTITY WOULD REVEAL TRADE SECRETS OR HAVE A NEGATIVE IMPACT ON THE CLIENT'S BUSINESS INTERESTS, WOULD CAUSE EMBARRASSMENT FOR THE CLIENT, COULD REASONABLY RESULT IN RETALIATION AGAINST THE CLIENT, OR WOULD TEND TO REVEAL NON-PUBLIC MATTERS REGARDING A CRIMINAL INVESTIGATION. ONLY A REPORTING INDIVIDUAL WHO FIRST ENTERS PUBLIC OFFICE AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, NEED NOT REPORT CLIENTS OR CUSTOMERS WITH RESPECT

TO MATTERS FOR WHICH THE REPORTING INDIVIDUAL OR HIS OR HER FIRM WAS
RETAINED PRIOR TO ENTERING PUBLIC OFFICE.

CLIENT NATURE OF SERVICES PROVIDED

(D) List the name, principal address and general description or the
nature of the business activity of any entity in which the reporting
individual or such individual's spouse had an investment in excess of
\$1,000 excluding investments in securities and interests in real prop-
erty.

S 38. Severability. If any clause, sentence, paragraph, section or
part of this act shall be adjudged by any court of competent jurisdic-
tion to be invalid, such judgment shall not affect, impair, or invali-
date the remainder thereof, but shall be confined in its operation to
the clause, sentence, paragraph, section or part thereof directly
involved in the controversy in which such judgment shall have been
rendered.

S 39. This act shall take effect on the thirtieth day after it shall
have become a law and shall only apply to acts committed on or after
such date.