

7531

I N S E N A T E

May 15, 2014

Introduced by Sen. HOYLMAN -- 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 undisclosed self-dealing

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 two new sections 195.30
2 and 195.35 to read as follows:
3 S 195.30 UNDISCLOSED SELF-DEALING IN THE SECOND DEGREE.
4 A PERSON IS GUILTY OF UNDISCLOSED SELF-DEALING IN THE SECOND-DEGREE
5 WHEN, BEING A PUBLIC SERVANT, HE OR SHE INTENTIONALLY ENGAGES IN CONDUCT
6 OR A COURSE OF CONDUCT IN HIS OR HER OFFICIAL CAPACITY IN CONNECTION
7 WITH THE AWARD OF A PUBLIC CONTRACT OR PUBLIC GRANT OR OTHER EFFORT TO
8 OBTAIN OR RETAIN PUBLIC BUSINESS OR PUBLIC FUNDS THAT IS INTENDED TO
9 CONFER AN UNDISCLOSED BENEFIT ON HIMSELF, HERSELF OR A RELATIVE, AND
10 THEREBY OBTAINS OR ATTEMPTS TO OBTAIN A BENEFIT FOR HIMSELF, HERSELF OR
11 A RELATIVE WITH A VALUE IN EXCESS OF THREE THOUSAND DOLLARS. A BENEFIT
12 IS DISCLOSED IF ITS EXISTENCE IS MADE KNOWN PRIOR TO THE ALLEGED WRONG-
13 FUL CONDUCT TO EITHER (I) THE RELEVANT STATE OR LOCAL ETHICS COMMISSION
14 OR (II) THE OFFICIAL RESPONSIBLE FOR THE PUBLIC SERVANT'S APPOINTMENT TO
15 HIS OR HER POSITION, PROVIDED THAT PERSON IS NOT A PARTICIPANT IN THE
16 ALLEGED WRONGFUL CONDUCT.
17 UNDISCLOSED SELF-DEALING IN THE SECOND DEGREE IS A CLASS D FELONY.
18 S 195.35 UNDISCLOSED SELF-DEALING IN THE FIRST DEGREE.
19 A PERSON IS GUILTY OF UNDISCLOSED SELF-DEALING IN THE FIRST DEGREE
20 WHEN, BEING A PUBLIC SERVANT, HE OR SHE INTENTIONALLY ENGAGES IN CONDUCT
21 OR A COURSE OF CONDUCT IN HIS OR HER OFFICIAL CAPACITY IN CONNECTION
22 WITH THE AWARD OF A PUBLIC CONTRACT OR PUBLIC GRANT OR OTHER EFFORT TO
23 OBTAIN OR RETAIN PUBLIC BUSINESS OR PUBLIC FUNDS THAT IS INTENDED TO
24 CONFER AN UNDISCLOSED BENEFIT ON HIMSELF, HERSELF OR A RELATIVE, AND
25 THEREBY OBTAINS OR ATTEMPTS TO OBTAIN A BENEFIT FOR HIMSELF, HERSELF OR
26 A RELATIVE WITH A VALUE IN EXCESS OF TEN THOUSAND DOLLARS. A BENEFIT IS
27 DISCLOSED IF ITS EXISTENCE IS MADE KNOWN PRIOR TO THE ALLEGED WRONGFUL
28 CONDUCT TO EITHER (I) THE RELEVANT STATE OR LOCAL ETHICS COMMISSION OR
29 (II) THE OFFICIAL RESPONSIBLE FOR THE PUBLIC SERVANT'S APPOINTMENT TO

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

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1 HIS OR HER POSITION, PROVIDED THAT PERSON IS NOT A PARTICIPANT IN THE
2 ALLEGED WRONGFUL CONDUCT.
3 UNDISCLOSED SELF-DEALING IN THE FIRST DEGREE IS A CLASS C FELONY.
4 S 2. This act shall take effect immediately.