

1 USE OR ATTEMPTED USE OF THE POWER, RIGHTS, PRIVILEGES OR DUTIES OF HIS
2 OR HER POSITION AS AN ELECTED OFFICIAL.

3 S 113. TERMS AND CONDITIONS. NOTWITHSTANDING ANY OTHER LAW TO THE
4 CONTRARY, IT SHALL BE A TERM AND CONDITION OF HOLDING PUBLIC ELECTED
5 OFFICE IN THE STATE OF NEW YORK THAT ALL ELECTED OFFICIALS' SALARY
6 PAYMENTS ARE SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

7 S 114. WITHHOLDING OF SALARY PAYMENTS. 1. A. UPON NOTIFICATION OF AN
8 INDICTMENT PURSUANT TO SECTION 190.95 OF THE CRIMINAL PROCEDURE LAW, THE
9 PUBLIC EMPLOYER OF AN ELECTED OFFICIAL, WHO HAS BEEN INDICTED ON CHARGES
10 OF ANY CRIMES RELATED TO THEIR PUBLIC OFFICE, SHALL WITHHOLD SUCH
11 ELECTED OFFICIAL'S SALARY PAYMENTS. IF SUCH ELECTED OFFICIAL SEEKS
12 ANOTHER PUBLIC OFFICE OR ANOTHER PUBLIC EMPLOYMENT POSITION WHILE UNDER
13 INDICTMENT, IT SHALL BE THE BURDEN OF THE ELECTED OFFICIAL TO NOTIFY
14 THEIR NEW PUBLIC EMPLOYER OF THEIR INDICTMENT. THIS SECTION SHALL APPLY
15 FOR ALL SALARY PAYMENTS WHILE EMPLOYED AS AN ELECTED OFFICIAL, OFFICIAL
16 OR EMPLOYEE OF THE STATE OR LOCAL GOVERNMENT.

17 B. A PUBLIC EMPLOYER SHALL NOTIFY THE ELECTED OFFICIAL OF SUCH SALARY
18 PAYMENT WITHHOLDING AND PROVIDE THEM WITH A COPY OF NOTIFICATION OF THE
19 INDICTMENT PURSUANT TO SECTION 190.95 OF THE CRIMINAL PROCEDURE LAW.

20 2. UPON NOTIFICATION, THE PUBLIC EMPLOYER OR EMPLOYERS OF AN ELECTED
21 OFFICIAL FACING CHARGES OF CRIMES RELATED TO THEIR PUBLIC OFFICE THAT
22 HAS HAD SUCH CHARGES DISMISSED, ACQUITTED OR HAVE BEEN FOUND NOT GUILTY
23 BY TRIAL JURY, SHALL PROMPTLY PAY THE WITHHELD SALARY PAYMENTS TO THE
24 ELECTED OFFICIAL WITHIN SIXTY DAYS.

25 3. UPON A PLEA OF GUILTY, OR BY CONVICTION AFTER TRIAL TO CRIMES
26 RELATED TO PUBLIC OFFICE OF AN ELECTED OFFICIAL, THE WITHHELD SALARY
27 PAYMENTS SHALL NOT BE PAID AND RETURNED. SUCH WITHHELD PAYMENTS SHALL BE
28 DEPOSITED INTO THE PUBLIC EMPLOYER'S GENERAL FUND.

29 4. A PUBLIC EMPLOYER SHALL PROVIDE THE ELECTED OFFICIAL WITH A
30 DETAILED ACCOUNTING OF THE WITHHELD SALARY PAYMENTS FOLLOWING THE
31 CONCLUSION OF AN INDICTMENT PURSUANT TO SUBDIVISION TWO OR THREE OF THIS
32 SECTION.

33 S 2. Section 77-a of the public officers law, as added by chapter 1012
34 of the laws of 1965, is amended to read as follows:

35 S 77-a. [Members of the legislature] ELECTED OFFICIALS liable to
36 forfeiture of office. The conviction of [a member of the legislature or
37 any officer or employee of the legislature] AN ELECTED OFFICIAL of any
38 [of the crimes defined in sections seventy-five, seventy-six or seven-
39 ty-seven] CRIME RELATED TO PUBLIC OFFICE, AS DEFINED IN SECTION ONE
40 HUNDRED TWELVE of this chapter, shall involve as a consequence in addi-
41 tion to the punishment provided [in any such section] BY LAW a forfei-
42 ture of his OR HER office; and shall disqualify him OR HER from ever
43 afterwards holding any office under this state OR BEING AN OFFICER OR
44 EMPLOYEE OF THE LEGISLATURE.

45 S 3. The public officers law is amended by adding a new section 77-b
46 to read as follows:

47 S 77-B. OFFICERS OR EMPLOYEES OF THE LEGISLATURE LIABLE TO FORFEITURE
48 OF OFFICE. THE CONVICTION OF ANY OFFICER OR EMPLOYEE OF THE LEGISLATURE
49 OF ANY CRIME, DEFINED IN SECTION SEVENTY-SEVEN OF THIS ARTICLE, SHALL
50 INVOLVE AS A CONSEQUENCE IN ADDITION TO THE PUNISHMENT PROVIDED BY LAW A
51 FORFEITURE OF HIS OR HER POSITION; AND SHALL DISQUALIFY HIM OR HER FROM
52 EVER AFTERWARDS HOLDING ANY OFFICE UNDER THIS STATE OR BEING AN OFFICER
53 OR EMPLOYEE OF THE LEGISLATURE.

54 S 4. The criminal procedure law is amended by adding a new section
55 190.95 to read as follows:

56 S 190.95 GRAND JURY; NOTIFICATION OF INDICTMENT IN CERTAIN CASES.

1 UPON THE INDICTMENT OF AN ELECTED OFFICIAL ON CRIMES RELATED TO PUBLIC
2 OFFICE, AS DEFINED IN SECTION ONE HUNDRED TWELVE OF THE PUBLIC OFFICERS
3 LAW, THE GRAND JURY SHALL DIRECT THE DISTRICT ATTORNEY TO NOTIFY THE
4 ELECTED OFFICIAL'S PUBLIC EMPLOYER OF THE INDICTMENT. THE DISTRICT
5 ATTORNEY SHALL NOTIFY THE PUBLIC EMPLOYER NO LATER THAN THIRTY DAYS
6 FOLLOWING THE INDICTMENT.

7 S 5. The criminal procedure law is amended by adding a new section
8 220.52 to read as follows:

9 S 220.52 NOTICE OF ENTRY OF GUILTY PLEA INVOLVING AN ELECTED OFFICIAL.

10 THE COURT SHALL NOTIFY THE PUBLIC EMPLOYER OR EMPLOYERS OF A DEFEND-
11 ANT, WHO IS FACING CRIMES RELATED TO THEIR PUBLIC OFFICE AS AN ELECTED
12 OFFICIAL AS DEFINED IN SECTION ONE HUNDRED TWELVE OF THE PUBLIC OFFICERS
13 LAW, THAT HAS ENTERED A GUILTY PLEA TO A COUNT OR COUNTS OF AN INDICT-
14 MENT OF A CRIME THAT WAS RELATED TO THEIR PUBLIC OFFICE. THE COURT SHALL
15 NOTIFY SUCH DEFENDANT'S PUBLIC EMPLOYER OR EMPLOYERS OF THE ENTRY OF A
16 GUILTY PLEA WITHIN THIRTY DAYS.

17 S 6. The criminal procedure law is amended by adding a new section
18 310.90 to read as follows:

19 S 310.90 VERDICT; NOTIFICATION IN CERTAIN CASES.

20 THE VERDICT OF THE JURY INVOLVING A DEFENDANT, WHO AT THE TIME OF THE
21 CRIMINAL ACT IN QUESTION WAS AN ELECTED OFFICIAL AND THE CRIMES WERE
22 RELATED TO THEIR PUBLIC OFFICE, SHALL BE TRANSMITTED BY THE COURT TO THE
23 DEFENDANT'S PUBLIC EMPLOYER OR EMPLOYERS WITHIN THIRTY DAYS.

24 S 7. Section 290.10 of the criminal procedure law is amended by adding
25 a new subdivision 5 to read as follows:

26 5. UPON ISSUING A TRIAL ORDER OF DISMISSAL FOR A DEFENDANT, WHO AT THE
27 TIME OF THE CRIMINAL ACT OR ACTS IN QUESTION WAS AN ELECTED OFFICIAL AND
28 THE CRIMES WERE RELATED TO THEIR PUBLIC OFFICE, WHICH DISMISSES ALL
29 COUNTS OF THE INDICTMENT WHICH ARE RELATED TO THE DEFENDANT'S PUBLIC
30 OFFICE, THE COURT SHALL NOTIFY THE DEFENDANT'S PUBLIC EMPLOYER WITHIN
31 THIRTY DAYS.

32 S 8. This act shall take effect on the first of January next succeed-
33 ing the date on which it shall have become a law.