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

5042

2015-2016 Regular Sessions

I N S E N A T E

April 29, 2015

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law and the civil practice law and rules, in relation to candidate liability for violations of municipal laws and enforcement of money judgments

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

Section 1. The election law is amended by adding a new article 18 to read as follows:

ARTICLE 18

VIOLATIONS OF MUNICIPAL LAW

SECTION 18-100. PERSONAL LIABILITY FOR VIOLATIONS OF MUNICIPAL LAW.

S 18-100. PERSONAL LIABILITY FOR VIOLATIONS OF MUNICIPAL LAW. A CANDIDATE SHALL BE PERSONALLY LIABLE FOR THE AMOUNT OF ANY MONETARY PENALTIES FOR THE VIOLATION OF ANY MUNICIPAL LAW OR REGULATION COMMITTED BY SUCH CANDIDATE, ANY POLITICAL COMMITTEE FORMED BY SUCH CANDIDATE, OR ANY PERSON ACTING ON BEHALF OF SUCH CANDIDATE OR POLITICAL COMMITTEE, COMMITTED IN FURTHERANCE OF CAMPAIGN ACTIVITIES.

S 2. Subdivisions 4 and 5 of section 6201 of the civil practice law and rules, subdivision 4 as added and subdivision 5 as renumbered by chapter 618 of the laws of 1992 and subdivision 5 as amended by chapter 860 of the laws of 1977, are amended and a new subdivision 6 is added to read as follows:

4. the action is brought by the victim or the representative of the victim of a crime, as defined in subdivision six of section six hundred twenty-one of the executive law, against the person or the legal representative or assignee of the person convicted of committing such crime and seeks to recover damages sustained as a result of such crime pursuant to section six hundred thirty-two-a of the executive law; or

5. the cause of action is based on a judgment, decree or order of a court of the United States or of any other court which is entitled to

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

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full faith and credit in this state, or on a judgment which qualifies for recognition under the provisions of article 53[.]; OR

6. THE ACTION IS BROUGHT BY A MUNICIPALITY AGAINST A CANDIDATE, AS DEFINED BY SUBDIVISION SEVEN OF SECTION 14-100 OF THE ELECTION LAW, SEEKING TO COLLECT ON MONEY JUDGMENTS ISSUED DUE TO VIOLATIONS OF MUNICIPAL LAW PROVIDED, HOWEVER, THAT SUCH ATTACHMENT MAY BE ISSUED ONLY AGAINST THE CANDIDATE'S BANK ACCOUNT OR THE BANK ACCOUNT OF ANY POLITICAL COMMITTEE FORMED BY SUCH CANDIDATE.

S 3. This act shall take effect immediately.