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

6539

I N S E N A T E

January 22, 2016

Introduced by Sen. SANDERS -- 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 of a public servant

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

Section 1. 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.

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

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

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

3. HE KNOWINGLY OBTAINS, ARRANGES OR PROVIDES FOR HIMSELF OR ANOTHER, A COMPENSATED POSITION OR PUBLIC OFFICE THAT REQUIRES LITTLE OR NO ACTUAL ATTENDANCE OR WORK.

Official misconduct is a class A misdemeanor.

S 2. This act shall take effect immediately.

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

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