STATE OF NEW YORK

2454

2017-2018 Regular Sessions

IN SENATE

January 13, 2017

Introduced by Sen. HAMILTON -- 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 by creating a class B felony for misuse of official authority by a police officer or peace officer

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal law is amended by adding a new section 195.25 to read as follows:

§ 195.25 Misuse of official authority by a police officer or peace officer.

A police officer or peace officer is guilty of misuse of official authority when, in the course of and in furtherance of the commission or attempted commission of a felony by such officer, he or she uses his or her authority as a police officer or peace officer to intentionally commit or attempt to commit such felony.

For purposes of this section, the following terms shall have the following meanings:

1. "police officer" means a person listed in subdivision thirty-four of section 1.20 of the criminal procedure law.

2. "peace officer" means a person listed in section 2.10 of the criminal procedure law.

Misuse of official authority by a police officer or peace officer is a class B felony.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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