STATE OF NEW YORK

7176

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. KENNEDY -- 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 the crime of official misconduct for sexual harassment by a member of the state legislature

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 195.01 to read as follows:

§ 195.01 Official misconduct for sexual harassment.

A public servant is guilty of official misconduct for sexual harassment when he or she commits the act of sexual harassment, while serving as a member of the New York state legislature. For purposes of this section, "sexual harassment" shall be defined as making unwelcome or unwanted sexual advances, requesting sexual favors in exchange for favorable treatment or continued employment, engaging in verbal or physical conduct of a sexual nature which is made a term or condition of employment, or using the refusal or acceptance of such advances as the basis for employment decisions. "Sexual harassment" shall also include any type of sexually oriented conduct that is unwelcome and has the purpose or effect of unreasonably interfering with an employee's work performance or creating a work environment that is intimidating, hostile, offensive or coercive to a reasonable person. "Sexual harassment" shall not be limited to male-female interaction.

Official misconduct for sexual harassment is a class A misdemeanor.

§ 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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