

# STATE OF NEW YORK

9726

## IN ASSEMBLY

February 2, 2018

Introduced by M. of A. PAULIN, GALEF, SEAWRIGHT, D'URSO, JAFFEE, SIMO-TAS, THIELE, PELLEGRINO -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT, SCHIMMINGER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing crimes relating to official misconduct for obtaining a benefit

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

1 Section 1. Subdivisions 1 and 2 of section 195.00 of the penal law, as  
2 amended by chapter 906 of the laws of 1990, are amended to read as  
3 follows:

4 1. He or she commits an act relating to his or her office but consti-  
5 tuting an unauthorized exercise of his or her official functions, know-  
6 ing that such act is unauthorized; or

7 2. He or she knowingly refrains from performing a duty which is  
8 imposed upon him or her by law or is clearly inherent in the nature of  
9 his or her office.

10 § 2. The penal law is amended by adding two new sections 195.03 and  
11 195.04 to read as follows:

12 § 195.03 Official misconduct for obtaining a benefit in the second  
13 degree.

14 A public servant is guilty of official misconduct for obtaining a  
15 benefit in the second degree when he or she commits the crime of offi-  
16 cial misconduct and he or she thereby intentionally obtains any benefit  
17 for himself or herself or for another person or intentionally deprives  
18 another person of a benefit, and the value of the benefit exceeds one  
19 thousand dollars.

20 Official misconduct for obtaining a benefit in the second degree is a  
21 class E felony.

22 § 195.04 Official misconduct for obtaining a benefit in the first  
23 degree.

24 A public servant is guilty of official misconduct for obtaining a  
25 benefit in the first degree when he or she commits the crime of official  
26 misconduct for obtaining a benefit in the second degree, and the value  
27 of the benefit exceeds three thousand dollars.

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

LBD14180-02-8

1     Official misconduct for obtaining a benefit in the first degree is a  
2     class D felony.  
3     § 3. This act shall take effect on the sixtieth day after it shall  
4     have become a law.