STATE OF NEW YORK

4707

2017-2018 Regular Sessions

IN SENATE

February 24, 2017

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:

§ 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.

§ 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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