

# STATE OF NEW YORK

8638

2019-2020 Regular Sessions

## IN ASSEMBLY

October 2, 2019

Introduced by M. of A. McDONALD, FAHY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to the creation of vacancies in a public office upon entering a guilty plea in federal court to a felony or crime involving a violation of an oath of office

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

1 Section 1. Paragraph e of subdivision 1 of section 30 of the public  
2 officers law, as amended by chapter 454 of the laws of 1987, is amended  
3 to read as follows:

4 e. His conviction of a felony, [~~ex~~] conviction of a crime involving a  
5 violation of his oath of office or upon entering a guilty plea in federal  
6 al court to a felony or crime involving a violation of his oath of  
7 office, provided, however, that a non-elected official may apply for  
8 reinstatement to the appointing authority upon reversal or the vacating  
9 of such conviction where the conviction is the sole basis for the vacan-  
10 cy. After receipt of such application, the appointing authority shall  
11 afford such applicant a hearing to determine whether reinstatement is  
12 warranted. The record of the hearing shall include the final judgment of  
13 the court which reversed or vacated such conviction and may also include  
14 the entire employment history of the applicant and any other submissions  
15 which may form the basis of the grant or denial of reinstatement  
16 notwithstanding the reversal or vacating of such conviction. Notwith-  
17 standing any law to the contrary, after review of such record, the  
18 appointing authority may, in its discretion, reappoint such non-elected  
19 official to his former office, or a similar office if his former office  
20 is no longer available. In the event of such reinstatement, the appoint-  
21 ing authority may, in its discretion, award salary or compensation in  
22 full or in part for the period from the date such office became vacant  
23 to the date of reinstatement or any part thereof;

24 § 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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