

# STATE OF NEW YORK

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37

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

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Introduced by Sen. HOYLMAN -- 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 making technical corrections to the descriptions of certain bribery offenses and defenses

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

1 Section 1. Section 200.00 of the penal law, as amended by chapter 833  
2 of the laws of 1986, is amended to read as follows:

3 § 200.00 Bribery in the third degree.

4 A person is guilty of bribery in the third degree when he or she  
5 confers, or offers or agrees to confer, any benefit upon a public serv-  
6 ant [~~upon an agreement or understanding that~~ with the intent to influ-  
7 ence such public servant's vote, opinion, judgment, action, decision or  
8 exercise of discretion as a public servant [~~will thereby be influenced~~].

9 Bribery in the third degree is a class D felony.

10 § 2. Section 200.03 of the penal law, as amended by section 18 of  
11 subpart A of part H of chapter 55 of the laws of 2014, is amended to  
12 read as follows:

13 § 200.03 Bribery in the second degree.

14 A person is guilty of bribery in the second degree when he or she  
15 confers, or offers or agrees to confer, any benefit valued in excess of  
16 five thousand dollars upon a public servant [~~upon an agreement or under-~~  
17 ~~standing that~~ with the intent to influence such public servant's vote,  
18 opinion, judgment, action, decision or exercise of discretion as a  
19 public servant [~~will thereby be influenced~~].

20 Bribery in the second degree is a class C felony.

21 § 3. Section 200.04 of the penal law, as amended by section 19 of  
22 subpart A of part H of chapter 55 of the laws of 2014, is amended to  
23 read as follows:

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

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1 § 200.04 Bribery in the first degree.

2 A person is guilty of bribery in the first degree when the person  
3 confers, or offers or agrees to confer: (1) any benefit upon a public  
4 servant [~~upon an agreement or understanding that~~] with the intent to  
5 influence such public servant's vote, opinion, judgment, action, deci-  
6 sion or exercise of discretion as a public servant [~~will thereby be~~  
7 ~~influenced~~] in the investigation, arrest, detention, prosecution or  
8 incarceration of any person for the commission or alleged commission of  
9 a class A felony defined in article two hundred twenty of this part or  
10 an attempt to commit any such class A felony; or (2) any benefit valued  
11 in excess of one hundred thousand dollars upon a public servant [~~upon an~~  
12 ~~agreement or understanding that~~] with the intent to influence such  
13 public servant's vote, opinion, judgment, action, decision or exercise  
14 of discretion as a public servant [~~will thereby be influenced~~].

15 Bribery in the first degree is a class B felony.

16 § 4. Section 200.05 of the penal law is amended to read as follows:

17 § 200.05 Bribery; defense.

18 In any prosecution for bribery[~~r~~]: (1) it is a defense that the  
19 defendant conferred or agreed to confer the benefit involved upon the  
20 public servant involved as a result of conduct of the latter constitut-  
21 ing larceny committed by means of extortion, or an attempt to commit the  
22 same, or coercion, or an attempt to commit coercion[~~r~~]; and (2) it is  
23 also a defense that the benefit that the defendant conferred, or offered  
24 or agreed to confer, upon the public servant was a legitimate campaign  
25 contribution, unless such contribution was made upon an agreement or  
26 understanding that such public servant's vote, opinion, judgment,  
27 action, decision or exercise of discretion as a public servant would  
28 thereby be influenced.

29 § 5. This act shall take effect on the first of November next succeed-  
30 ing the date on which it shall have become a law.