STATE OF NEW YORK

3745--A

2019-2020 Regular Sessions

IN SENATE

February 13, 2019

Introduced by Sens. KENNEDY, BENJAMIN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to the crime of official misconduct for sexual intimidation 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 intimidation.

A public servant is guilty of official misconduct for sexual intimidation when he or she commits the act of sexual intimidation, while serving as a member of the New York state legislature. For purposes of this section, "sexual intimidation" 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 intimidation" 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 intimidation" shall not be limited to male-female interaction.

Official misconduct for sexual intimidation 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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