STATE OF NEW YORK

4382

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

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

AN ACT to amend the public officers law, in relation to bribing a public officer and receiving a bribe by a public officer

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

Section 1. The public officers law is amended by adding a new section 75-b to read as follows:

§ 75-b. Bribery of public officers. A person, including public officers, or a person elected to public office, who gives or offers, or causes to be given or offered, a bribe, or any money, property, or value of any kind, or any promise or agreement therefor, to a public officer, or a person who has been elected to public office, upon any understanding that his or her official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any particular manner or upon any particular side of any question or matter upon which he or she may be required to act in his or her official capacity, is punishable by imprisonment for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

§ 2. The public officers law is amended by adding a new section 76-a to read as follows:

§ 76-a. Receiving bribes by public officers. A public officer, or a person elected to public office, who asks, receives, or agrees to receive any bribe upon any understanding that his or her official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any particular manner or upon any particular side of any question or matter upon which he or she may be required to act in his or her official capacity, shall be guilty of a class D felony.

§ 3. The public officers law is amended by adding a new section 77-b to read as follows:

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

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§ 77-b. Public officers liable to forfeiture of office. The conviction of a public officer, or a person elected to public office, of any of the crimes defined in sections seventy-five-b or seventy-six-a of this article, shall involve as a consequence in addition to the punishment provided in such sections a forfeiture of his or her office; and shall disqualify him or her from ever afterwards holding any office under this state.

§ 4. Section 77 of the public officers law, as added by chapter 1012 of the laws of 1965, is amended to read as follows:

§ 77. Unlawful fees and payments. A member of the legislature [~~or~~], any officer or employee of the legislature**, or any public officer** who asks or receives or consents or agrees to receive any emolument, gratuity or reward or any promise of emolument, gratuity or reward or any money, property or thing of value or of personal advantage, except such as may be authorized by law, for doing or omitting to do any official act, or for performing or omitting to perform any act whatsoever directly or indirectly related to any matter in respect to which any duty or discretion is by or in pursuance of law imposed upon or vested in him **or her**, or may be exercised by him **or her** by virtue of his **or her** office, or appointment or employment or his **or her** actual relation to the matter including, without limiting the generality of the foregoing, approving or promoting the passage of legislation or resolutions or the confirmation of appointees, or the conduct of investigations, and a person who shall directly or indirectly offer or make such a transfer to any member of the legislature [~~or~~], any officer or employee of the legislature**, or any public officer** shall be guilty of a felony punishable by imprisonment for not more than ten years or by a fine of not more than five thousand dollars, or both.

§ 5. Section 78 of the public officers law, as amended by chapter 813 of the laws of 1987, is amended to read as follows:

§ 78. Certification of members, officers and employees. On or before the tenth day after any member, officer or employee commences the performance of his **or her** duties as such, he **or she** shall file, with the secretary of the senate, if a member, officer or employee of that house, or with the clerk of the assembly, if a member, officer or employee of that house, or with the secretary of state if an officer or employee of a state agency, a certificate acknowledging receipt of a copy of sections seventy-three, seventy-three-a, seventy-four, seventy-five, **seventy-five-b,** seventy-six, **seventy-six-a,** seventy-seven and seventy-eight of this chapter together with such other material as the secretary of the senate, the clerk of the assembly or the secretary of state may prepare related thereto, that he **or she** has read the same and undertakes to conform to the provisions, purposes and intent thereof and to the norms of conduct for members, officers and employees of the legislature and state agencies.

§ 6. This act shall take effect immediately.