

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 Assem-
bly, do enact as follows:

1 Section 1. The public officers law is amended by adding a new section
2 75-b to read as follows:

3 § 75-b. Bribery of public officers. A person, including public offi-
4 cers, or a person elected to public office, who gives or offers, or
5 causes to be given or offered, a bribe, or any money, property, or value
6 of any kind, or any promise or agreement therefor, to a public officer,
7 or a person who has been elected to public office, upon any understand-
8 ing that his or her official vote, opinion, judgment or action shall be
9 influenced thereby, or shall be given in any particular manner or upon
10 any particular side of any question or matter upon which he or she may
11 be required to act in his or her official capacity, is punishable by
12 imprisonment for not more than ten years, or by a fine of not more than
13 five thousand dollars, or by both.

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

16 § 76-a. Receiving bribes by public officers. A public officer, or a
17 person elected to public office, who asks, receives, or agrees to
18 receive any bribe upon any understanding that his or her official vote,
19 opinion, judgment or action shall be influenced thereby, or shall be
20 given in any particular manner or upon any particular side of any ques-
21 tion or matter upon which he or she may be required to act in his or her
22 official capacity, shall be guilty of a class D felony.

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

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

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1 § 77-b. Public officers liable to forfeiture of office. The conviction
2 of a public officer, or a person elected to public office, of any of the
3 crimes defined in sections seventy-five-b or seventy-six-a of this arti-
4 cle, shall involve as a consequence in addition to the punishment
5 provided in such sections a forfeiture of his or her office; and shall
6 disqualify him or her from ever afterwards holding any office under this
7 state.

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

10 § 77. Unlawful fees and payments. A member of the legislature [~~or~~],
11 any officer or employee of the legislature, or any public officer who
12 asks or receives or consents or agrees to receive any emolument, gratui-
13 ty or reward or any promise of emolument, gratuity or reward or any
14 money, property or thing of value or of personal advantage, except such
15 as may be authorized by law, for doing or omitting to do any official
16 act, or for performing or omitting to perform any act whatsoever direct-
17 ly or indirectly related to any matter in respect to which any duty or
18 discretion is by or in pursuance of law imposed upon or vested in him or
19 her, or may be exercised by him or her by virtue of his or her office,
20 or appointment or employment or his or her actual relation to the matter
21 including, without limiting the generality of the foregoing, approving
22 or promoting the passage of legislation or resolutions or the confirma-
23 tion of appointees, or the conduct of investigations, and a person who
24 shall directly or indirectly offer or make such a transfer to any member
25 of the legislature [~~or~~], any officer or employee of the legislature, or
26 any public officer shall be guilty of a felony punishable by imprison-
27 ment for not more than ten years or by a fine of not more than five
28 thousand dollars, or both.

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

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

46 § 6. This act shall take effect immediately.