STATE OF NEW YORK

90--B

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. KAMINSKY, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law, in relation to prohibiting persons from holding civil office when convicted of certain felonies

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

Section 1. Subdivision 1-a of section 3 of the public officers law, as added by section 31-b of subpart A of part H of chapter 55 of the laws of 2014, is amended to read as follows:

1-a. (i) No person shall be capable of holding a civil office who shall stand convicted of a felony defined in article two hundred or four hundred ninety-six or section 195.20 of the penal law**, or a felony, committed through the use of or in connection with his or her civil office, defined in article two hundred fifteen of the penal law or chapter 11, 19, 31 or 63 of title 18 of the United States Code, or shall be capable of holding civil office, for a period of ten years following the completion of sentence, for a felony, committed through the use of or in connection with his or her civil office, under chapter 47 of title 18 of the United States Code**.

(ii) Any individual who stands convicted of a misdemeanor defined in article two hundred, article four hundred ninety-six or section 195.00 of the penal law may not hold civil office for a period of five years [~~from the date of conviction~~] **following the completion of sentence**, provided that in the event such conviction is the result of a plea

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

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agreement resulting in a plea to such charge in lieu of a plea or conviction of a felony defined in section 195.20, article two hundred or article four hundred ninety-six of the penal law, all parties to such agreement may agree that the period of such bar may be for a period of up to ten years [~~from the date of conviction~~] **following the completion of sentence**.

(iii) The granting of a certificate of relief from disabilities or certificate of good conduct, pursuant to article twenty-three of the correction law, shall not affect the disqualifications set forth in this subdivision.

§ 2. If any part or provision of this act is adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect or impair any other part or provision of this act, but shall be confined in its operation to such part or provision.

§ 3. This act shall take effect immediately and shall apply to convictions entered before, on or after such date.