

STATE OF NEW YORK

10144--B

IN ASSEMBLY

May 2, 2022

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law, in relation to the creation of vacancies in a public office upon entering a guilty plea in federal court to a felony or crime involving a violation of an oath of office

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

1 Section 1. Paragraph e of subdivision 1 of section 30 of the public
2 officers law, as amended by chapter 454 of the laws of 1987, is amended
3 to read as follows:

4 e. His or her conviction of a felony, [~~e~~] conviction of a crime
5 involving a violation of his or her oath of office, or upon entering a
6 guilty plea in federal court to a felony, or upon entering a guilty plea
7 in federal court to a crime involving a violation of his or her oath of
8 office, provided, however, that a non-elected official may apply for
9 reinstatement to the appointing authority upon reversal or the vacating
10 of such conviction where the conviction is the sole basis for the vacan-
11 cy. After receipt of such application, the appointing authority shall
12 afford such applicant a hearing to determine whether reinstatement is
13 warranted. The record of the hearing shall include the final judgment of
14 the court which reversed or vacated such conviction and may also include
15 the entire employment history of the applicant and any other submissions
16 which may form the basis of the grant or denial of reinstatement
17 notwithstanding the reversal or vacating of such conviction. Notwith-
18 standing any law to the contrary, after review of such record, the
19 appointing authority may, in its discretion, reappoint such non-elected
20 official to his or her former office, or a similar office if his or her
21 former office is no longer available. In the event of such rein-
22 statement, the appointing authority may, in its discretion, award salary
23 or compensation in full or in part for the period from the date such
24 office became vacant to the date of reinstatement or any part thereof;

25 § 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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