STATE OF NEW YORK

1222

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. SEAWRIGHT -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to official misconduct for sexual harassment by a public servant

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 harassment.

A public servant is guilty of official misconduct for sexual harassment when he or she commits the act of sexual harassment as defined in this section. For purposes of this section, the following terms shall have the following meanings:

(a) "Sexual harassment" shall mean 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 which is used as the basis for employment decisions. "Sexual harassment" shall also include any type of sexual 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 harassment" shall not be limited to male-female interaction.

(b) "Public servant" shall be defined as (i) any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state, or (ii) any person exercising the functions of any such public officer or employee. The term public servant shall include a person who has been elected or designated to become a public servant.

Official misconduct for sexual harassment 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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