STATE OF NEW YORK

8213

2021-2022 Regular Sessions

IN ASSEMBLY

August 25, 2021

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

AN ACT to amend the public officers law, in relation to prohibiting persons from holding an elected civil office if convicted of a state or federal felony

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

Section 1. Paragraph (i) of 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:

(i) No person shall be capable of holding a civil office who shall stand convicted of a **state or federal** felony [~~**defined in article two hundred or four hundred ninety-six or section 195.20 of the penal law**~~] **while holding such civil office, provided, however, that this paragraph shall only apply to a person elected to a civil office**.

§ 2. Section 3-a of the public officers law, as added by chapter 513 of the laws of 1948, is amended to read as follows:

§ 3-a. Restrictions upon holding public office or employment of persons removed from office for certain reasons. Any public officer who, upon being called before a grand jury to testify concerning the conduct of his **or her** office or the performance of his **or her** official duties, refuses to sign a waiver of immunity against subsequent criminal prosecution, or to answer any relevant question concerning such matters before such grand jury and who, by virtue thereof, has been removed from such public office by the appropriate authority or who has forfeited such office at the suit of the attorney general shall not be capable of holding a civil office or public employment [~~**for a period of five years from the date of the removal from or forfeit of such public office**~~].

§ 3. 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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