STATE OF NEW YORK

4004

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to making technical corrections to the descriptions of certain bribery offenses and defenses

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

Section 1. Section 200.00 of the penal law, as amended by chapter 833 of the laws of 1986, is amended to read as follows:

§ 200.00 Bribery in the third degree.

A person is guilty of bribery in the third degree when he **or she** confers, or offers or agrees to confer, any benefit upon a public servant [~~upon an agreement or understanding that~~] **with the intent to influence** such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant [~~will thereby be influenced~~].

Bribery in the third degree is a class D felony.

§ 2. Section 200.03 of the penal law, as amended by section 18 of subpart A of part H of chapter 55 of the laws of 2014, is amended to read as follows:

§ 200.03 Bribery in the second degree.

A person is guilty of bribery in the second degree when he **or she** confers, or offers or agrees to confer, any benefit valued in excess of five thousand dollars upon a public servant [~~upon an agreement or understanding that~~] **with the intent to influence** such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant [~~will thereby be influenced~~].

Bribery in the second degree is a class C felony.

§ 3. Section 200.04 of the penal law, as amended by section 19 of subpart A of part H of chapter 55 of the laws of 2014, is amended to read as follows:

§ 200.04 Bribery in the first degree.

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

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A person is guilty of bribery in the first degree when the person confers, or offers or agrees to confer: (1) any benefit upon a public servant [~~upon an agreement or understanding that~~] **with the intent to influence** such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant [~~will thereby be influenced~~] in the investigation, arrest, detention, prosecution or incarceration of any person for the commission or alleged commission of a class A felony defined in article two hundred twenty of this part or an attempt to commit any such class A felony; or (2) any benefit valued in excess of one hundred thousand dollars upon a public servant [~~upon an agreement or understanding that~~] **with the intent to influence** such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant [~~will thereby be influenced~~].

Bribery in the first degree is a class B felony.

§ 4. Section 200.05 of the penal law is amended to read as follows:

§ 200.05 Bribery; defense.

In any prosecution for bribery[~~,~~]**: (1)** it is a defense that the defendant conferred or agreed to confer the benefit involved upon the public servant involved as a result of conduct of the latter constituting larceny committed by means of extortion, or an attempt to commit the same, or coercion, or an attempt to commit coercion[~~,~~]**; and (2) it is also a defense that the benefit that the defendant conferred, or offered or agreed to confer, upon the public servant was a legitimate campaign contribution, unless such contribution was made upon an agreement or understanding that such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant would thereby be influenced.**

§ 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.