

# STATE OF NEW YORK

5770

2021-2022 Regular Sessions

## IN SENATE

March 18, 2021

Introduced by Sens. JORDAN, BOYLE, HELMING, ORTT, RITCHIE, SERINO, WEIK  
-- 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 establishing the crime of  
illegal employee retaliation

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

- 1 Section 1. The penal law is amended by adding a new section 240.24 to  
2 read as follows:  
3 § 240.24 Illegal employee retaliation.  
4 1. A person is guilty of illegal employee retaliation when he or she,  
5 with intent to harass, intimidate or embarrass an employee, shares  
6 confidential information within such employee's personnel file with a  
7 third party and such employee has not affirmatively consented to the  
8 sharing of the confidential information.  
9 2. For the purposes of this section, it shall not be unlawful to share  
10 confidential information within an employee's personnel file if it is to  
11 comply with a law enforcement investigation or court proceeding.  
12 Illegal employee retaliation is a class A misdemeanor.  
13 § 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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