STATE OF NEW YORK

10144

IN ASSEMBLY

May 2, 2022

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

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 or an offense which would constitute a felony under the laws of this state or 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:

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

e. His conviction of a felony, [~~or~~] **conviction of** a crime involving a violation of his oath of office **or upon entering a guilty plea in federal court to a felony or crime or an offense which would constitute a felony under the laws of this state, or involving a violation of his oath of office**, provided, however, that a non-elected official may apply for reinstatement to the appointing authority upon reversal or the vacating of such conviction where the conviction is the sole basis for the vacancy. After receipt of such application, the appointing authority shall afford such applicant a hearing to determine whether reinstatement is warranted. The record of the hearing shall include the final judgment of the court which reversed or vacated such conviction and may also include the entire employment history of the applicant and any other submissions which may form the basis of the grant or denial of reinstatement notwithstanding the reversal or vacating of such conviction. Notwithstanding any law to the contrary, after review of such record, the appointing authority may, in its discretion, reappoint such non-elected official to his former office, or a similar office if his former office is no longer available. In the event of such reinstatement, the appointing authority may, in its discretion, award salary or compensation in full or in part for the period from the date such office became vacant to the date of reinstatement or any part thereof;

§ 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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