STATE OF NEW YORK

9470

IN ASSEMBLY

March 7, 2022

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

AN ACT to amend the penal law and the executive law, in relation to official misconduct by a district attorney

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 by a district attorney.

A district attorney is guilty of official misconduct when, with intent to undermine their official oath of office:

He or she knowingly fails to bring charges against a party when adequate proof exists that such party committed a crime.

Official misconduct by a district attorney is a class A misdemeanor.

§ 2. Section 63-a of the executive law, as added by chapter 310 of the laws of 1962, is amended to read as follows:

§ 63-a. Action by attorney-general for forfeiture of public office. The attorney-general may maintain an action, upon his **or her** own information or upon the complaint of a private person, against a public officer, civil or military, who has done or suffered an act which by law works a forfeiture of his **or her** office**, or who violates section 195.01 of the penal law**.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.

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

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