

# STATE OF NEW YORK

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978--A

Cal. No. 89

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sens. GAUGHRAN, BIAGGI, COMRIE, HARCKHAM, HELMING, KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommit-  
ted to the Committee on Investigations and Government Operations in  
accordance with Senate Rule 6, sec. 8 -- reported favorably from said  
committee, ordered to first and second report, ordered to a third  
reading, amended and ordered reprinted, retaining its place in the  
order of third reading

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 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 Assem-  
bly, do enact as follows:

1 Section 1. Paragraph e of subdivision 1 of section 30 of the public  
2 officers law, as amended by chapter 454 of the laws of 1987, is amended  
3 to read as follows:  
4 e. His or her conviction of a felony, [~~or~~] conviction of a crime  
5 involving a violation of his or her oath of office or upon entering a  
6 guilty plea in federal court to a felony or crime or offense which would  
7 constitute a felony under the laws of this state or involving a  
8 violation of his or her oath of office, provided, however, that a non-e-  
9 lected official may apply for reinstatement to the appointing authority  
10 upon reversal or the vacating of such conviction where the conviction is  
11 the sole basis for the vacancy. After receipt of such application, the  
12 appointing authority shall afford such applicant a hearing to determine  
13 whether reinstatement is warranted. The record of the hearing shall  
14 include the final judgment of the court which reversed or vacated such  
15 conviction and may also include the entire employment history of the

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

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1 applicant and any other submissions which may form the basis of the  
2 grant or denial of reinstatement notwithstanding the reversal or vacat-  
3 ing of such conviction. Notwithstanding any law to the contrary, after  
4 review of such record, the appointing authority may, in its discretion,  
5 reappoint such non-elected official to his or her former office, or a  
6 similar office if his or her former office is no longer available. In  
7 the event of such reinstatement, the appointing authority may, in its  
8 discretion, award salary or compensation in full or in part for the  
9 period from the date such office became vacant to the date of rein-  
10 statement or any part thereof;  
11 § 2. This act shall take effect immediately.