

# STATE OF NEW YORK

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978--C

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 -- again amended and ordered reprinted, retain-  
ing its place in the order of third reading -- again 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 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 upon entering a guilty plea  
7 in federal court to a crime involving a violation of his or her oath of  
8 office, provided, however, that a non-elected official may apply for  
9 reinstatement to the appointing authority upon reversal or the vacating  
10 of such conviction where the conviction is the sole basis for the vacan-  
11 cy. After receipt of such application, the appointing authority shall  
12 afford such applicant a hearing to determine whether reinstatement is  
13 warranted. The record of the hearing shall include the final judgment of  
14 the court which reversed or vacated such conviction and may also include  
15 the entire employment history of the applicant and any other submissions

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

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