

STATE OF NEW YORK

4658

2023-2024 Regular Sessions

IN ASSEMBLY

February 21, 2023

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

AN ACT to amend the penal law, in relation to enacting "Lindsey's law"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 "Lindsey's law".

3 § 2. The penal law is amended by adding a new section 195.01 to read
4 as follows:

5 § 195.01 Official misconduct for retaliation.

6 A public servant is guilty of official misconduct for retaliation when
7 he or she, as retaliation against an employee, paid or unpaid intern or
8 non-employee for making a complaint or claim about any incident or inci-
9 dents of sexual harassment, knowingly and purposefully discloses any
10 confidential government records, including but not limited to personnel
11 files and confidential information or documents pertaining to such inci-
12 dent or incidents of sexual harassment, to any other party who would not
13 otherwise be entitled to such information, after such complaint or claim
14 has been made.

15 For purposes of this section: 1. "Sexual harassment" shall mean making
16 unwelcome or unwanted sexual advances, requesting sexual favors in
17 exchange for favorable treatment or continued employment, engaging in
18 verbal or physical conduct of a sexual nature which is made a term or
19 condition of employment, or which is used as the basis for employment
20 decisions. "Sexual harassment" shall also include any type of sexually
21 oriented conduct that is unwelcome and has the purpose or effect of
22 unreasonably interfering with an employee's work performance or creating
23 a work environment that is intimidating, hostile, offensive or coercive
24 to a reasonable person. "Sexual harassment" shall not be limited to
25 male-female interaction.

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

LBD08124-01-3

1 2. "Public servant" shall mean (i) any public officer or employee of
2 the state or of any political subdivision thereof or of any governmental
3 instrumentality within the state, or (ii) any person exercising the
4 functions of any such public officer or employee. The term public serv-
5 ant shall include a person who has been elected or designated to become
6 a public servant.

7 Official misconduct for retaliation is a class A misdemeanor.

8 § 3. This act shall take effect immediately.