

# STATE OF NEW YORK

5068

2023-2024 Regular Sessions

## IN ASSEMBLY

March 2, 2023

Introduced by M. of A. LAVINE, STECK, SIMON, WALLACE, NORRIS -- Multi-Sponsored by -- M. of A. HAWLEY, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to undisclosed self-dealing

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

1 Section 1. The penal law is amended by adding two new sections 195.30  
2 and 195.35 to read as follows:

3 § 195.30 Undisclosed self-dealing in the second degree.

4 A person is guilty of undisclosed self-dealing in the second degree  
5 when, being a public servant, he or she intentionally engages in conduct  
6 or a course of conduct in his or her official capacity in connection  
7 with the award of a public contract or public grant or other effort to  
8 obtain or retain public business or public funds that is intended to  
9 confer an undisclosed benefit on himself, herself, a spouse, domestic  
10 partner, child, parent, or sibling of the public servant, a person with  
11 whom a public servant has a business or other financial relationship, or  
12 a firm in which the public servant has a present or potential interest  
13 and thereby obtains or attempts to obtain a benefit for himself,  
14 herself, a spouse, domestic partner, child, parent, or sibling of the  
15 public servant, a person with whom a public servant has a business or  
16 other financial relationship, or a firm in which the public servant has  
17 a present or potential interest with a value in excess of three thousand  
18 dollars. A benefit is disclosed if its existence is made known prior to  
19 the alleged wrongful conduct to either (i) the relevant state or local  
20 ethics commission or (ii) the official responsible for the public serv-  
21 ant's appointment to his or her position, provided that person is not a  
22 participant in the alleged wrongful conduct.

23 Undisclosed self-dealing in the second degree is a class D felony.

24 § 195.35 Undisclosed self-dealing in the first degree.

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

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1 A person is guilty of undisclosed self-dealing in the first degree  
2 when, being a public servant, he or she intentionally engages in conduct  
3 or a course of conduct in his or her official capacity in connection  
4 with the award of a public contract or public grant or other effort to  
5 obtain or retain public business or public funds that is intended to  
6 confer an undisclosed benefit on himself, herself, a spouse, domestic  
7 partner, child, parent, or sibling of the public servant, a person with  
8 whom a public servant has a business or other financial relationship, or  
9 a firm in which the public servant has a present or potential interest  
10 and thereby obtains or attempts to obtain a benefit for himself,  
11 herself, a spouse, domestic partner, child, parent, or sibling of the  
12 public servant, a person with whom a public servant has a business or  
13 other financial relationship, or a firm in which the public servant has  
14 a present or potential interest with a value in excess of ten thousand  
15 dollars. A benefit is disclosed if its existence is made known prior to  
16 the alleged wrongful conduct to either (i) the relevant state or local  
17 ethics commission or (ii) the official responsible for the public serv-  
18 ant's appointment to his or her position, provided that person is not a  
19 participant in the alleged wrongful conduct.

20 Undisclosed self-dealing in the first degree is a class C felony.

21 § 2. This act shall take effect immediately.