

# STATE OF NEW YORK

3429

2023-2024 Regular Sessions

## IN SENATE

January 31, 2023

Introduced by Sen. WEBER -- read twice and ordered printed, and when printed to be committed 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.

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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.