STATE OF NEW YORK

9071

IN SENATE

January 28, 2026

Introduced by Sen. CLEARE -- 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 establishing the crime of interference with constitutional rights by public officials

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

Section 1. The penal law is amended by adding a new section 195.01 to read as follows:

§ 195.01 Interference with constitutional rights by a public official.

A public official is guilty of interference with constitutional rights when, acting under color of law, such public official by force or threat of force, or by intimidation or coercion, recklessly engages in conduct which injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with another person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws of the United States; or the constitution or laws of the state of New York.

1. For purposes of this section, a "public official" means any person who is:

a. a public servant as defined in subdivision fifteen of section 10.00 of this chapter;

b. an officer, employee, or agent of the United States; or

c. a local, state, or federal law enforcement officer, whether elected or appointed.

2. Nothing in this section shall be construed to limit or preempt:

a. any civil remedy available under state or federal law; or

b. prosecution under any other provision of this chapter or under federal law.

Interference with constitutional rights by a public official is a class A misdemeanor; provided, however, where bodily injury results from the conduct constituting such offense, such offense shall be a class E felony; and provided, further, where serious physical injury results from the conduct constituting such offense, or where such offense is

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

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committed while the defendant is armed with a deadly weapon or dangerous instrument, such offense shall be a class D felony.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.