



2018 New York State YMCA
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FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Assembly Freedom 2

Bill #: AF-14

1 **Sponsors:** Finn Brauer, Scott Cottier, Alex Garcia, and Andrew Parsnip

2

3 **An Act To**

4 Amend Article 200 Sections 11 & 12 of the New York State Penal Law to change the
5 punishment for public office bribery felonies.

6

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

9

10 **Purpose**

11 To include the punishments of forfeiture of office; disqualification from holding
12 future public office, to class B and C felonies of Article 200 Sections 11 & 12.

13

14 **Summary of Provisions**

15 **Section 1: Definitions**

16 **Bribery:** The act of receiving of a monetary benefit in exchange for something.

17 **Forfeiture:** The forced giving up of something.

18 **Public Office:** An elected or appointed position of authority or service involving
19 responsibility to the public, within the government.

20 **Disqualification:** Ineligibility or the reprimand of something.

21 **Section 2: Provisions**

22 Section 2 Penal Law 200.11 Bribe receiving in the second degree and 200.12 Bribe
23 receiving in the first degree. A public servant is guilty of bribe receiving in the
24 second degree when he or she solicits, accepts or agrees to accept any benefit
25 valued in excess of five thousand dollars from another person upon an agreement
26 or understanding that his or her vote, opinion, judgment, action, decision or
27 exercise of discretion as a public servant will thereby be influenced. Bribe receiving
28 in the second degree is a class C felony and includes forfeiture of public office;

29 disqualified from holding future public office. A public servant is guilty of bribe
30 receiving in the first degree when he or she solicits, accepts or agrees to accept:

31 (a) any benefit from another person upon an agreement or understanding that his
32 or her vote, opinion, judgment, action, decision or exercise of discretion as a public
33 servant will thereby be influenced in the investigation, arrest, detention,
34 prosecution or incarceration of any person for the commission or alleged
35 commission of a class A felony defined in article two hundred twenty of this part or
36 an attempt to commit any such class A felony; or (b) any benefit valued in excess
37 of one hundred thousand dollars from another person upon an agreement or



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1 understanding that such public servant's vote, opinion, judgment, action, decision
2 or exercise of discretion as a public servant will thereby be influenced. Bribe
3 receiving in the first degree is a class B felony and includes forfeiture of public
4 office; disqualification from holding future public office.
5

6 **Justification**

7 Over the past 12 years, 41 elected officials have been convicted of felonies,
8 misdemeanors or violations in New York State. From 2008-2017, 30 bribery cases
9 have been reported in New York State, according to Dr. Jeffrey Milyo and Scott
10 Delhommer, which is more than any other state during this period of time. Since
11 2012, 16 lawmakers have been removed from office after being convicted of a
12 crime. The most recent removal, former Senate Majority Leader Dean Skelos, the
13 fifth straight New York State Majority leader to be formally charged with bribery
14 and illegal dealings while in office. Over these past years over 4 million dollars has
15 been loitered by these corrupt political officials.
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17 **Fiscal Implications**

18 This bill has no fiscal implications.
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20 **Effective Date**

21 This bill will go into effect two years after its passage.
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