

LAWS OF NEW YORK, 2010

CHAPTER 1

AN ACT to amend the public officers law, in relation to prohibiting the use by certain public officers and employees of property, services or other resources of the state for private business or other compensated non-governmental purposes; and to amend the penal law, in relation to defrauding the government

Became a law February 12, 2010, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

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

Section 1. Paragraph d of subdivision 3 of section 74 of the public officers law, as amended by chapter 1012 of the laws of 1965, is amended to read as follows:

d. No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his **or her** official position to secure unwarranted privileges or exemptions for himself **or herself** or others, **including but not limited to, the misappropriation to himself, herself or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.**

§ 2. Section 195.20 of the penal law, as added by chapter 833 of the laws of 1986, is amended to read as follows:

§ 195.20 Defrauding the government.

A person is guilty of defrauding the government when, being a public servant or party officer, he **or she**:

(a) engages in a scheme constituting a systematic ongoing course of conduct with intent to:
(i) defraud the state or political subdivision of the state or a governmental instrumentality within the state or to obtain property, **services or other resources** from the state or a political subdivision of the state or a governmental instrumentality within the state by false or fraudulent pretenses, representations or promises [~~and~~]; **or**

(ii) **defraud the state or a political subdivision of the state or a governmental instrumentality within the state by making use of property or services or resources of the state, political subdivision of the state or a governmental instrumentality within the state for private business purposes or other compensated non-governmental purposes; and**

(b) so obtains property, **services or other resources** with a value in excess of one thousand dollars from such state, political subdivision or governmental instrumentality.

Defrauding the government is a class E felony.

§ 3. This act shall take effect immediately

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