



NEW YORK STATE SENATOR

Pedro Espada Jr.

Senate Majority Leader Pedro Espada, Jr. Introduces Bill That Would Make Expulsion Automatic for Legislators Convicted of Specific Egregious Class A Misdemeanors

PEDRO ESPADA, JR. February 8, 2010

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ALBANY NY—New York State Senate Majority Leader Pedro Espada, Jr. today unveiled proposed legislation that would require automatic expulsion of members of the Senate and Assembly, and other government officials, convicted of certain specified egregious Class A misdemeanor offenses. He outlined details of the proposed bill at a morning press

conference in the fourth-floor conference room of his office in the Capitol. His proposed legislation would amend the Public Officers Law, the only state law that provides for automatic removal of a public officer, including state legislators.

The existing law, however, according to Senator Espada, is too narrow in scope, providing for automatic expulsion only upon conviction of a felony. He said his proposed legislation would amend and expand the Public Officers Law to include automatic expulsion for conviction of certain specified egregious Class A misdemeanor offenses.

In addition, the proposed bill would amend the Legislative Law to eliminate speculation over the types of misdemeanor offenses that should result in automatic expulsion of a member of the state legislature convicted of certain specified egregious Class A misdemeanor offenses while holding office, thereby eliminating differing interpretations. Furthermore, the proposed bill would call for the automatic expulsion of a legislator only for actions committed subsequent to the legislator taking the oath of office.

“In the absence of clear, lawfully set standards, the legislature is forced to review such incidents on a case-by-case basis, which poses a slippery legal slope and denies voters their choice,” Senator Espada said in an obvious reference to the Senate’s controversial task at hand of deciding the fate of colleague Sen. Hiram Monserrate.

Senator Espada’s proposed bill would establish these clear legal standards, providing for automatic expulsion of members of the state legislature, as well as other public officers, convicted of certain specified egregious Class A misdemeanor offenses, which include the following: assault in the third degree; sexual misconduct; sexual abuse in the second degree; arson in the fifth degree; aggravated harassment in the second degree involving physical contact; endangering the welfare of a child, and endangering the welfare of an incompetent

or physically disabled person.

“By ratifying this proposed bill, we would eliminate vague language and strengthen the current Public Officers Law, as well as obviate the need for burdensome and costly investigatory and administrative procedures,” Senator Espada said.

The Senate Majority Leader added, “The legislature must take several steps to enact rules and regulations that encourage and signify greater ethical obligations. This task requires comprehensive reforms involving major changes at the fundamental levels. By expanding the Public Officers Law to include certain specified egregious Class A misdemeanor offenses as grounds for automatic expulsion, this proposed bill would be a significant step toward this reform.” #