

# STATE OF NEW YORK

1663

2021-2022 Regular Sessions

## IN ASSEMBLY

January 11, 2021

Introduced by M. of A. PERRY -- read once and referred to the Committee on Codes

AN ACT to amend the county law, in relation to providing for appointment of special district attorney

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

1 Section 1. Paragraphs (a) and (b) of subdivision 1 of section 701 of  
2 the county law, paragraph (a) as amended and paragraph (b) as added by  
3 chapter 560 of the laws of 1991, are amended to read as follows:

4 (a) [~~appoint some attorney at law having an office in or residing in~~  
5 ~~the county, or any adjoining county, to act as special district attorney~~  
6 ~~during the absence, inability or disqualification of the district attor-~~  
7 ~~ney and such assistants as he or she may have, or~~

8 ~~(b)] appoint a district attorney of any other county within the judi-~~  
9 ~~cial department or of any county adjoining the county wherein the action~~  
10 ~~is triable to act as special district attorney, provided such district~~  
11 ~~attorney agrees to accept appointment by such criminal court during such~~  
12 ~~absence, inability or disqualification of the district attorney and such~~  
13 ~~assistants as he or she may have; or~~

14 (b) appoint the attorney general to act as special district attorney.

15 § 2. Subdivision 3 of section 701 of the county law, as added by chap-  
16 ter 560 of the laws of 1991, is amended to read as follows:

17 3. Where a special district attorney appointed under this section is a  
18 district attorney or the attorney general, he or she may direct the  
19 exercise of such powers and the performance of such duties by any  
20 assistant in his or her office in any case in which he or she serves as  
21 special district attorney to the same extent permitted by law in any  
22 case in which he or she serves as district attorney or as attorney  
23 general.

24 § 3. This act shall take effect immediately.

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

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