

STATE OF NEW YORK

4687

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

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

AN ACT to amend the executive law, in relation to the office of special investigation inspecting serious injuries that may have resulted in death; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivisions 1 and 2 of section 70-b of the executive law,
2 as added by chapter 95 of the laws of 2020, are amended and a new subdivi-
3 sion 1-a is added to read as follows:

4 1. There shall be established within the office of the attorney gener-
5 al an office of special investigation. Notwithstanding any other
6 provision of law, the office of special investigation shall investigate
7 and, if warranted, prosecute any alleged criminal offense or offenses
8 committed by a person, whether or not formally on duty, who is a police
9 officer, as defined in subdivision thirty-four of section 1.20 of the
10 criminal procedure law, or a peace officer as defined in section 2.10 of
11 the criminal procedure law, provided that such peace officer is employed
12 or contracted by an education, public health, social service, parks,
13 housing or corrections agency, or is a peace officer as defined in
14 subdivision twenty-five of section 2.10 of the criminal procedure law,
15 concerning any incident in which the death, or serious injury pursuant
16 to subdivision one-a of this section, of a person, whether in custody or
17 not, is caused by an act or omission of such police officer or peace
18 officer or in which the attorney general determines there is a question
19 as to whether the death, or serious injury pursuant to subdivision one-a
20 of this section, was in fact caused by an act or omission of such police
21 officer or peace officer.

22 1-a. The office of special investigation shall establish a demon-
23 stration project in certain counties related to incidents described in

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

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1 subdivision one of this section that result in serious injury of a
2 person, that the attorney general determines such serious injury reason-
3 ably could have resulted in death, or did result in paralysis, comatose,
4 brain damage, or any other life threatening grave bodily injury as
5 determined by the attorney general. Such demonstration project shall be
6 established for incidents occurring in counties not wholly contained
7 within a city with a population as of the most recent census under one
8 million and over four hundred thousand. The provisions of this section
9 shall apply to the demonstration project established by this subdivision
10 in the same manner as incidents of death of a person under the jurisdic-
11 tion of the attorney general as prescribed by this section.

12 2. The attorney general has investigative authority and criminal
13 jurisdiction under this section at the time of the death, or serious
14 injury pursuant to subdivision one-a of this section, of the person and
15 the attorney general retains investigative authority and criminal juris-
16 diction over the incident unless the attorney general determines that
17 such incident does not meet the requirements of this section. If the
18 attorney general determines the incident does not meet the requirements
19 for the attorney general to have investigative authority and criminal
20 jurisdiction pursuant to this section, the attorney general shall, as
21 soon as practicable, provide written notice of such determination to the
22 district attorney for the county in which the incident occurred.

23 § 2. This act shall take effect on the same date and in the same
24 manner as chapter 95 of the laws of 2020, takes effect and shall expire
25 5 years after such effective date when upon such date the provisions of
26 this act shall be deemed repealed.