

# STATE OF NEW YORK

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8231

2021-2022 Regular Sessions

## IN ASSEMBLY

August 25, 2021

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Introduced by M. of A. SIMON -- read once and referred to the Committee on Judiciary

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 24 of article 6 of the constitution, in relation to allowing an impeachment proceeding to proceed after the resignation of a person from public office and prohibits such person from holding a future public office

1 Section 1. Resolved (if the Senate concur), That section 24 of article  
2 6 of the constitution be amended to read as follows:

3 § 24. The assembly shall have the power of impeachment by a vote of a  
4 majority of all the members elected thereto. The court for the trial of  
5 impeachments shall be composed of the president of the senate, the  
6 senators, or the major part of them, and the judges of the court of  
7 appeals, or the major part of them. Impeachment and a trial of impeach-  
8 ments may proceed against a person who has resigned from any public  
9 office of honor, trust, or profit under this state. On the trial of an  
10 impeachment against the governor or lieutenant-governor, neither the  
11 lieutenant-governor nor the temporary president of the senate shall act  
12 as a member of the court. No judicial officer shall exercise his or her  
13 office after articles of impeachment against him or her shall have been  
14 preferred to the senate, until he or she shall have been acquitted.  
15 Before the trial of an impeachment, the members of the court shall take  
16 an oath or affirmation truly and impartially to try the impeachment  
17 according to the evidence, and no person shall be convicted without the  
18 concurrence of two-thirds of the members present. Judgment in cases of  
19 impeachment shall not extend further than to removal from office, or  
20 removal from office and disqualification to hold and enjoy any public  
21 office of honor, trust, or profit under this state, or disqualification  
22 to hold and enjoy any public office of honor, trust, or profit under  
23 this state where a person has resigned such public office before such  
24 judgment is rendered; but the party impeached shall be liable to indict-  
25 ment and punishment according to law.

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

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1     § 2. Resolved (if the Senate concur), That the foregoing be referred  
2 to the first regular legislative session convening after the next  
3 succeeding general election of members of the assembly, and, in conform-  
4 ity with section 1 of article 19 of the constitution, be published for 3  
5 months previous to the time of such election.