

STATE OF NEW YORK

8231--A

2021-2022 Regular Sessions

IN ASSEMBLY

August 25, 2021

Introduced by M. of A. SIMON -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. Where an impeachment and a trial of
8 impeachment may proceed under this section against a person holding
9 office, such impeachment and trial of impeachment may be brought or
10 proceed notwithstanding that such person has resigned from that office.

11 On the trial of an impeachment against the governor or lieutenant-gover-
12 nor, neither the lieutenant-governor nor the temporary president of the
13 senate shall act as a member of the court. No judicial officer shall
14 exercise his or her office after articles of impeachment against him or
15 her shall have been preferred to the senate, until he or she shall have
16 been acquitted. Before the trial of an impeachment, the members of the
17 court shall take an oath or affirmation truly and impartially to try the
18 impeachment according to the evidence, and no person shall be convicted
19 without the concurrence of two-thirds of the members present. Judgment
20 in cases of impeachment shall not extend further than to removal from
21 office, or removal from office and disqualification to hold and enjoy
22 any public office of honor, trust, or profit under this state, or where
23 a person has resigned from office before final judgment is rendered,
24 disqualification to hold and enjoy any public office of honor, trust, or

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

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1 profit under this state; but the party impeached shall be liable to
2 indictment and punishment according to law.
3 § 2. Resolved (if the Senate concur), That the foregoing be referred
4 to the first regular legislative session convening after the next
5 succeeding general election of members of the assembly, and, in conform-
6 ity with section 1 of article 19 of the constitution, be published for 3
7 months previous to the time of such election.