

STATE OF NEW YORK

5260

2021-2022 Regular Sessions

IN SENATE

March 1, 2021

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the executive law, in relation to expanding the authority of the attorney general to investigate a crime; and to amend the county law, in relation to making conforming amendments

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

1 Section 1. Subdivision 3 of section 63 of the executive law, as
2 amended by chapter 155 of the laws of 2012, is amended to read as
3 follows:

4 3. Upon request of the governor, comptroller, secretary of state,
5 commissioner of transportation, superintendent of financial services,
6 commissioner of taxation and finance, commissioner of motor vehicles, or
7 the state inspector general, or the head of any other department,
8 authority, division or agency of the state, [~~investigate the alleged~~
9 ~~commission of any indictable offense or offenses in violation of the law~~
10 ~~which the officer making the request is especially required to execute~~
11 ~~or in relation to any matters connected with such department]~~ or when
12 the attorney general deems it just and proper, investigate the alleged
13 commission of any crimes and offenses cognizable by the courts of this
14 state, and [to] where appropriate prosecute the person or persons
15 believed to have committed the same and any crime or offense arising out
16 of such investigation or prosecution or both, including but not limited
17 to appearing before and presenting all such matters to a grand jury;
18 provided that nothing herein shall interfere with the ability of
19 district attorneys at any time to receive complaints, investigate and
20 prosecute any crimes and offenses cognizable by the courts of the county
21 pursuant to article twenty of the criminal procedure law. The attorney
22 general may request and shall receive, from any agency, department,
23 division, board, bureau or commission of the state, or any political

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

LBD10218-01-1

1 subdivision thereof, cooperation and assistance in the performance of
2 his or her duties and may provide assistance to any district attorney or
3 law enforcement official requesting assistance in the investigation or
4 prosecution of any cognizable crime or offense committed within this
5 state.

6 § 2. Subdivision 8 of section 63 of the executive law, as amended by
7 chapter 451 of the laws of 1977, is amended to read as follows:

8 8. Whenever in [~~his~~] the attorney-general's judgment the public inter-
9 est requires it, the attorney-general may[~~, with the approval of the~~
10 ~~governor, and when directed by the governor, shall,~~] inquire into
11 matters concerning the public peace, public safety and public justice.
12 For such purpose [~~he~~] the attorney-general may, in his discretion, and
13 without civil service examination, appoint and employ, and at pleasure
14 remove, such deputies, officers and other persons as he deems necessary,
15 determine their duties and[~~, with the approval of the governor,~~] fix
16 their compensation. [~~All appointments made pursuant to this subdivision~~
17 ~~shall be immediately reported to the governor, and shall not be reported~~
18 ~~to any other state officer or department.~~] Payments of salaries and
19 compensation of officers and employees and of the expenses of the
20 inquiry shall be made out of funds provided by the legislature for such
21 purposes, which shall be deposited in a bank or trust company in the
22 names of [~~the governor and~~] the attorney-general, payable only on the
23 draft or check of the attorney-general[~~, countersigned by the governor,~~]
24 and such disbursements shall be subject to no audit except by [~~the~~
25 ~~governor and~~] the attorney-general. The attorney-general, his deputy, or
26 other officer, designated by him, is empowered to subpoena witnesses,
27 compel their attendance, examine them under oath before himself or a
28 magistrate and require that any books, records, documents or papers
29 relevant or material to the inquiry be turned over to [~~him~~] the attor-
30 ney-general for inspection, examination or audit, pursuant to the civil
31 practice law and rules. If a person subpoenaed to attend upon such
32 inquiry fails to obey the command of a subpoena without reasonable
33 cause, or if a person in attendance upon such inquiry shall, without
34 reasonable cause, refuse to be sworn or to be examined or to answer a
35 question or to produce a book or paper, when ordered so to do by the
36 officer conducting such inquiry, he shall be guilty of a misdemeanor. It
37 shall be the duty of all public officers, their deputies, assistants and
38 subordinates, clerks and employees, and all other persons, to render and
39 furnish to the attorney-general, his deputy or other designated officer,
40 when requested, all information and assistance in their possession and
41 within their power. Each deputy or other officer appointed or designated
42 to conduct such inquiry shall make a weekly report in detail to the
43 attorney-general, in form to be approved by [~~the governor and~~] the
44 attorney-general, which report shall be in duplicate, one copy of which
45 shall be forthwith, upon its receipt by the attorney-general, [~~transmit-~~
46 ~~ted by him to the governor~~]. Any officer participating in such inquiry
47 and any person examined as a witness upon such inquiry who shall
48 disclose to any person other than [~~the governor or~~] the attorney-general
49 the name of any witness examined or any information obtained upon such
50 inquiry, except as directed by [~~the governor or~~] the attorney-general,
51 shall be guilty of a misdemeanor.

52 § 3. Subdivision 1 of section 700 of the county law, as amended by
53 chapter 560 of the laws of 1991, is amended to read as follows:

54 1. Except as provided in section seven hundred one of this [~~chapter~~]
55 article and section sixty-three of the executive law, it shall be the
56 duty of every district attorney to conduct all prosecutions for crimes

1 and offenses cognizable by the courts of the county for which he or she
2 shall have been elected or appointed; except when the place of trial of
3 an indictment is changed from one county to another, it shall be the
4 duty of the district attorney of the county where the indictment is
5 found to conduct the trial of the indictment so removed, and it shall be
6 the duty of the district attorney of the county to which such trial is
7 changed to assist in such trial upon the request of the district attor-
8 ney of the county where the indictment was found. He or she shall
9 perform such additional and related duties as may be prescribed by law
10 and directed by the board of supervisors.

11 § 4. Section 927 of the county law is amended to read as follows:

12 § 927. General duties of district attorneys. [~~It~~] Notwithstanding the
13 provisions of section sixty-three of the executive law, it shall be the
14 duty of the district attorney of the respective counties of New York,
15 Bronx, Kings, Queens and Richmond to prosecute all crimes and offenses
16 cognizable by the courts of the county for which he shall have been
17 elected or appointed, except when the place of trial of an indictment is
18 changed from one county to another, it shall be the duty of the district
19 attorney of the county where the indictment is found to conduct the
20 trial of the indictment so removed, but said district attorney shall
21 assist in the trial of an indictment removed to his county for trial,
22 upon request of the district attorney of the county wherein the indict-
23 ment was found. He shall perform the duties prescribed in section seven
24 hundred of this chapter and such other duties as are prescribed by law.

25 § 5. This act shall take effect immediately.