

STATE OF NEW YORK

1291

2025-2026 Regular Sessions

IN SENATE

January 9, 2025

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to the appointment of a special independent counsel

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

1 Section 1. Subdivision 2 of section 70-b of the executive law, as
2 added by chapter 95 of the laws of 2020, is amended to read as follows:

3 2. (a) The attorney general has investigative authority and criminal
4 jurisdiction under this section at the time of the death of the person
5 and the attorney general retains investigative authority and criminal
6 jurisdiction over the incident unless the attorney general determines
7 that such incident does not meet the requirements of this section. If
8 the attorney general determines the incident does not meet the require-
9 ments for the attorney general to have investigative authority and crim-
10 inal jurisdiction pursuant to this section, the attorney general shall,
11 as soon as practicable, provide written notice of such determination to
12 the district attorney for the county in which the incident occurred.

13 (b) In instances involving alleged criminal offense or offenses
14 committed by a person, whether or not formally on duty, who is a peace
15 officer as defined in section 2.10 of the criminal procedure law and
16 employed or contracted by a corrections agency, or is a peace officer as
17 defined in subdivision twenty-five of section 2.10 of the criminal
18 procedure law, concerning any incident in which the death of a person,
19 whether in custody or not, is caused by an act or omission of such peace
20 officer, the attorney general shall have the authority to transfer the
21 investigatory authority and criminal jurisdiction under this section to
22 an individual or individuals independent of the office of the attorney
23 general. Such individual or individuals shall be a lawyer with a reputa-
24 tion for integrity and impartial decision making, and with appropriate
25 experience to ensure both that the investigation will be conducted ably,

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

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1 expeditiously and thoroughly. For the purposes of such transfer of
2 investigatory authority and criminal jurisdiction, such individual or
3 individuals shall have the same powers and authority as the deputy
4 attorney general for special investigation, as provided under this
5 section.

6 § 2. This act shall take effect immediately.