

STATE OF NEW YORK

412

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. GOUNARDES, BAILEY, BRISPORT, HINCHEY, LIU, MAY, MAYER, SALAZAR, SANDERS -- 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 granting the legislature the authority to direct the attorney-general to inquire into matters concerning the public peace, public safety and public justice

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

1 Section 1. Subdivision 8 of section 63 of the executive law, as
2 amended by chapter 451 of the laws of 1977, is amended to read as
3 follows:
4 8. (a) Whenever in [~~his~~] the judgment of the attorney general the
5 public interest requires it, the attorney-general may, with the approval
6 of the governor, and when directed by the governor, shall, inquire into
7 matters concerning the public peace, public safety and public justice.
8 For such purpose [~~he~~] the attorney general may, in [~~his~~] their
9 discretion, and without civil service examination, appoint and employ,
10 and at pleasure remove, such deputies, officers and other persons as
11 [~~he~~] the attorney general deems necessary, determine their duties and,
12 with the approval of the governor, fix their compensation. All appoint-
13 ments made pursuant to this [~~subdivision~~] paragraph shall be immediately
14 reported to the governor, and shall not be reported to any other state
15 officer or department. Payments of salaries and compensation of officers
16 and employees and of the expenses of the inquiry shall be made out of
17 funds provided by the legislature for such purposes, which shall be
18 deposited in a bank or trust company in the names of the governor and
19 the attorney-general, payable only on the draft or check of the attor-
20 ney-general, countersigned by the governor, and such disbursements shall
21 be subject to no audit except by the governor and the attorney-general.

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

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1 The attorney-general, [~~his~~] their deputy, or other officer, designated
2 by [~~him~~] the attorney, is empowered to subpoena witnesses, compel their
3 attendance, examine them under oath before [~~himself~~] the attorney gener-
4 al or a magistrate and require that any books, records, documents [~~or~~],
5 papers, or electronic communications or records relevant or material to
6 the inquiry be turned over to [~~him~~] the attorney general for inspection,
7 examination or audit, pursuant to the civil practice law and rules. If a
8 person subpoenaed to attend upon such inquiry fails to obey the command
9 of a subpoena without reasonable cause, or if a person in attendance
10 upon such inquiry shall, without reasonable cause, refuse to be sworn or
11 to be examined or to answer a question or to produce a book [~~or~~], paper,
12 or electronic communication or record, when ordered so to do by the
13 officer conducting such inquiry, [~~he~~] such person shall be guilty of a
14 misdemeanor. It shall be the duty of all public officers, their depu-
15 ties, assistants and subordinates, clerks and employees, and all other
16 persons, to render and furnish to the attorney-general, [~~his~~] their
17 deputy or other designated officer, when requested, all information and
18 assistance in their possession and within their power. Each deputy or
19 other officer appointed or designated to conduct such inquiry shall make
20 a weekly report in detail to the attorney-general, in form to be
21 approved by the governor and the attorney-general, which report shall be
22 in duplicate, one copy of which shall be forthwith, upon its receipt by
23 the attorney-general, transmitted by [~~him~~] the attorney general to the
24 governor. Any officer participating in such inquiry and any person exam-
25 ined as a witness upon such inquiry who shall disclose to any person
26 other than the governor or the attorney-general the name of any witness
27 examined or any information obtained upon such inquiry, except as
28 directed by the governor or the attorney-general, shall be guilty of a
29 misdemeanor.

30 (b) Provided, further, that the legislature shall be empowered to
31 direct the attorney-general by concurrent resolution to inquire into
32 matters concerning the public peace, public safety and public justice.
33 For such purposes the attorney-general may, in their discretion, and
34 without civil service examination, appoint and employ, and at pleasure
35 remove, such deputies, officers and other persons as the attorney gener-
36 al deems necessary, determine their duties and, with the approval of the
37 legislature, fix their compensation. All appointments made pursuant to
38 this paragraph shall be immediately reported to the temporary president
39 of the senate and the speaker of the assembly and shall not be reported
40 to any other state officer or department. Payments of salaries and
41 compensation of officers and employees and of the expenses of the
42 inquiry shall be made out of funds provided by the legislature for such
43 purposes, which shall be deposited in a bank or trust company in the
44 names of the temporary president of the senate, the speaker of the
45 assembly, and the attorney-general, payable only on the draft or check
46 of the attorney-general, countersigned by the temporary president of the
47 senate and the speaker of the assembly, and such disbursements shall be
48 subject to no audit except by the legislature and the attorney-general.
49 The attorney-general, their deputy, or other officer, designated by the
50 attorney, is empowered to subpoena witnesses, compel their attendance,
51 examine them under oath before the attorney general or a magistrate and
52 require that any books, records, documents, papers, or electronic commu-
53 nications or records relevant or material to the inquiry be turned over
54 to the attorney general for inspection, examination or audit, pursuant
55 to the civil practice law and rules. If a person subpoenaed to attend
56 upon such inquiry fails to obey the command of a subpoena without

1 reasonable cause, or if a person in attendance upon such inquiry shall,
2 without reasonable cause, refuse to be sworn or to be examined or to
3 answer a question or to produce a book, paper, or electronic communi-
4 cation or record when ordered to do so by the officer conducting such
5 inquiry, such person shall be guilty of a misdemeanor. It shall be the
6 duty of all public officers, their deputies, assistants and subordi-
7 nates, clerks and employees, and all other persons, to render and
8 furnish to the attorney-general, their deputy or other designated offi-
9 cer, when requested, all information and assistance in their possession
10 and within their power. Each deputy or other officer appointed or
11 designated to conduct such inquiry shall make a weekly report in detail
12 to the attorney-general, in a form to be approved by the legislature
13 and the attorney-general, which report shall be in duplicate, one copy
14 of which shall be forthwith, upon its receipt by the attorney-general,
15 transmitted to the temporary president of the senate and the speaker of
16 the assembly. Any officer participating in such inquiry and any person
17 examined as a witness upon such inquiry who shall disclose to any person
18 other than the legislature or the attorney-general the name of any
19 witness examined or any information obtained upon such inquiry, except
20 as directed by the legislature or the attorney-general, shall be guilty
21 of a misdemeanor. The investigation described in this paragraph shall be
22 entirely free from interference from the governor or any other state
23 agency or official. The attorney-general and legislature shall be under
24 no obligation to disclose any information pertaining to such investi-
25 gation with any such agency or official and shall be empowered to take
26 additional steps not prescribed by this paragraph to shield the investi-
27 gation from attempts to influence such investigation which they deem
28 unwarranted and inappropriate.

29 § 2. This act shall take effect immediately.