STATE OF NEW YORK

7796--A

2025-2026 Regular Sessions

IN SENATE

May 6, 2025

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law, permitting Yates county assistant district attorneys and assistant public defenders to reside in Chemung county

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

Section 1. Subdivisions 38 and 38-a of section 3 of the public officers law, subdivision 38 as added by chapter 456 of the laws of 1994 and subdivision 38-a as added by chapter 436 of the laws of 1998, are amended to read as follows:

38. In the county of Yates, the provisions of this section requiring a person to be a resident of the political subdivision or municipal corporation of the state for which [~~he~~] **such person** shall be chosen or within which [~~his~~] **such person's** official functions are required to be exercised, shall not prevent a person from holding the office of assistant district attorney of the county of Yates, other than the first assistant district attorney, provided that such person resides in Yates county [~~or~~]**,** an adjoining county within the state of New York**, or within Chemung county**.

38-a. In the county of Yates, the provisions of this section requiring a person to be a resident of the political subdivision or municipal corporation of the state for which [~~he or she~~] **such person** shall be chosen or within which [~~his or her~~] **such person's** official functions are required to be exercised, shall not prevent a person regularly admitted to practice as an attorney or counselor in the courts of record of this state from holding the office of assistant public defender of the county of Yates, provided that such person resides in the county of Yates [~~or~~]**,** an adjoining county within the state of New York**, or within Chemung county**.

§ 2. This act shall take effect immediately.

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

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