

STATE OF NEW YORK

7990

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. MAYER -- 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 and the county law, in relation to establishing the office of special investigation for work-related fatalities

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

1 Section 1. The executive law is amended by adding a new section 70-d
2 to read as follows:

3 § 70-d. Office of special investigation for work-related fatalities.

4 1. There is hereby established within the office of the attorney gener-
5 al an office of special investigation for work-related fatalities. The
6 attorney general shall have investigatory authority and criminal juris-
7 isdiction to investigate and, if warranted, prosecute any alleged criminal
8 offense committed in connection with the death of a worker arising from
9 or occurring during the course of employment, regardless of the worker's
10 occupation, employer, or industry.

11 2. For the purposes of this section:

12 (a) "Employee" shall include, but not be limited to, direct employees,
13 contracted employees, subcontracted employees, independent contractors,
14 temporary or contingency workers, apprentices, interns, volunteers, or
15 any other persons who perform duties at the direction and discretion of
16 an employer or who provides services pursuant to a contract in the work-
17 place.

18 (b) "Employer" shall include a direct employer, contractor, or subcon-
19 tractor. In the absence of a formal hiring agreement, the person who
20 directs or provides compensation to the worker shall be considered the
21 employer unless such person is also directed and compensated by another.
22 In such cases, the persons successively above the worker in the employ-
23 ment chain shall be considered the employer. In the instance of the

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

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1 death of an intern or volunteer, the entity directing such intern or
2 volunteer in their duties as such shall be considered the employer.

3 (c) "Workplace" shall include, but not be limited to, any location
4 where a worker performs any work-related duty in the course of their
5 employment, or any other site where the worker may be as a result of the
6 employer's direction.

7 (d) "Work-related fatality" shall mean the death of any employee that
8 occurs during the course and scope of employment and results from acts
9 or omissions occurring at a workplace, including but not limited to
10 machinery accidents, falls, structural failures, workplace violence, or
11 employer negligence. A "work-related fatality" does not include deaths
12 due solely to natural causes, unless such causes were precipitated or
13 accelerated by conditions of employment or the work environment.

14 3. (a) The attorney general shall investigate any incident within the
15 state that has been referred to the office pursuant to section six
16 hundred seventy-one of the county law, where an employee may have died
17 during the performance of work-related duties, or as a result of condi-
18 tions or actions occurring in the workplace, including but not limited
19 to: unsafe working conditions; employer negligence; violations of occu-
20 pational safety laws or regulations; or deaths arising from
21 construction, manufacturing, agricultural, or transportation worksites.

22 (b) Local law enforcement agencies, district attorneys, the department
23 of labor or other relevant investigatory authority that become aware of
24 a fatality occurring under circumstances suggestive of a work-related
25 fatality shall provide an incident report to the office within forty-
26 eight hours of obtaining such knowledge. Such incident report shall
27 include: the name and age of the deceased; the date, time, and location
28 of the death; a summary of the findings of any preliminary investigation
29 or post-mortem examination; the suspected cause and manner of death; the
30 name of the deceased's employer; a statement of any referrals made to
31 regulatory agencies, such as the department of labor or the occupational
32 safety and health administration (OSHA); and contact information for any
33 responding law enforcement.

34 (c) The attorney general may also independently initiate an investi-
35 gation based on other credible information.

36 (d) The attorney general may request the assistance and cooperation of
37 any state, local, or federal agency in conducting investigations under
38 this section.

39 4. If, following an investigation, the attorney general determines
40 that there is a reasonable cause to believe a criminal offense was
41 committed, such attorney general may prosecute any employer in any court
42 of appropriate jurisdiction within the state.

43 § 2. Subdivision 1 of section 671 of the county law is amended by
44 adding a new paragraph (c) to read as follows:

45 (c) if it is determined that the death is suggestive of a work-related
46 fatality, or occurred as a result of conditions present at the individ-
47 ual's workplace, shall, within forty-eight hours, notify the office of
48 special investigation for work-related fatalities in the department of
49 law and provide an incident report. Such incident report shall include:
50 the name and age of the deceased; the date, time, and location of the
51 death; a summary of the findings of any preliminary investigation or
52 post-mortem examination; the suspected cause and manner of death; the
53 name of the deceased's employer; a statement of any referrals made to
54 regulatory agencies, such as the department of labor or the occupational
55 safety and health administration (OSHA); and contact information for any
56 responding law enforcement. The coroner or medical examiner shall coop-

1 erate with any subsequent investigation conducted by the attorney gener-
2 al under section seventy-d of the executive law, including providing
3 access to autopsy reports, witness interviews, and physical evidence.

4 § 3. This act shall take effect on the ninetieth day after it shall
5 have become a law. Effective immediately, the addition, amendment and/or
6 repeal of any rule or regulation necessary for the implementation of
7 this act on its effective date are authorized to be made and completed
8 on or before such effective date.