S T A T E O F N E W Y O R K

1253

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. LANCMAN -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to enacting the "government testimony integrity act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "government testimony integrity act".

S 2. The judiciary law is amended by adding a new section 39-c to read as follows:

S 39-C. NOTIFICATION OF FALSE TESTIMONY BY A PUBLIC OFFICER AND PUBLIC EMPLOYEE. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) THE TERM "PUBLIC OFFICER," AS USED IN THIS SECTION, SHALL INCLUDE (I) EVERY OFFICER FOR WHOM ALL THE ELECTORS OF THE STATE ARE ENTITLED TO VOTE, MEMBERS OF THE LEGISLATURE, JUSTICES OF THE SUPREME COURT, REGENTS OF THE UNIVERSITY, AND EVERY OFFICER, APPOINTED BY ONE OR MORE STATE OFFICERS, OR BY THE LEGISLATURE, AND AUTHORIZED TO EXERCISE HIS OR HER OFFICIAL FUNCTIONS THROUGHOUT THE ENTIRE STATE, OR WITHOUT LIMITATION TO ANY POLITICAL SUBDIVISION OF THE STATE, EXCEPT UNITED STATES SENATORS, MEMBERS OF CONGRESS, AND ELECTORS FOR PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES, AND (II) EVERY OTHER OFFICER WHO IS ELECTED BY THE ELECTORS OF A PORTION ONLY OF THE STATE, EVERY OFFICER OF A POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION OF THE STATE, AND EVERY OFFICER LIMITED IN THE EXECUTION OF HIS OFFICIAL FUNCTIONS TO A PORTION ONLY OF THE STATE.

(B) THE TERM "PUBLIC EMPLOYEE," AS USED IN THIS SECTION, SHALL INCLUDE EVERY PERSON, BY WHATSOEVER TITLE, DESCRIPTION OR DESIGNATION KNOWN, WHO RECEIVES ANY PAY, SALARY OR COMPENSATION OF ANY KIND FROM THE STATE OR A MUNICIPAL CORPORATION OR ANY OTHER POLITICAL SUBDIVISION THEREOF, OR WHO

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

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IS IN ANY DEPARTMENT OF THE STATE OR IN THE SERVICE OF ANY PUBLIC AUTHORITY.

(C) THE TERM "CHIEF ELECTED OFFICER," AS USED IN THIS SECTION, MEANS IN THE CASE OF THE STATE, THE GOVERNOR THEREOF; IN THE CASE OF A COUNTY, THE COUNTY EXECUTIVE THEREOF; IN THE CASE OF A CITY, THE MAYOR THEREOF; IN THE CASE OF A TOWN, THE SUPERVISOR THEREOF; IN THE CASE OF A VILLAGE, THE MAYOR THEREOF; AND IN THE CASE OF ANY OTHER POLITICAL SUBDIVISION OF THE STATE, THE ELECTED OFFICER IN WHOM IS VESTED THE EXECUTIVE FUNCTION OF THE SUBDIVISION'S GOVERNMENT.

2. IF A STATE COURT OR OTHER STATE OR LOCAL ADJUDICATIVE TRIBUNAL HAS REASON TO BELIEVE THAT ANY PUBLIC OFFICER OR PUBLIC EMPLOYEE HAS GIVEN FALSE TESTIMONY UNDER OATH IN A PROCEEDING BEFORE IT, SUCH COURT OR OTHER STATE OR LOCAL ADJUDICATIVE TRIBUNAL SHALL WITHIN THIRTY DAYS OF SUCH OCCURRENCE (A) IN THE CASE OF A PUBLIC OFFICER, NOTIFY THE ATTORNEY GENERAL, (B) IN THE CASE OF A PUBLIC EMPLOYEE OTHER THAN AN EMPLOYEE OF A PUBLIC AUTHORITY, NOTIFY THE ATTORNEY GENERAL AND THE CHIEF ELECTED OFFICER OF THE STATE OR POLITICAL SUBDIVISION EMPLOYING SUCH INDIVIDUAL, AND (C) IN THE CASE OF A PUBLIC EMPLOYEE WHO IS AN EMPLOYEE OF A PUBLIC AUTHORITY, NOTIFY THE ATTORNEY GENERAL AND THE CHAIRPERSON OF THE BOARD OF THE PUBLIC AUTHORITY EMPLOYING SUCH INDIVIDUAL.

S 3. This act shall take effect immediately.