1486

2009-2010 Regular Sessions

IN ASSEMBLY

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, AUBRY, PERRY, POWELL, JEFFRIES, KAVANAGH,
 KELLNER -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, BOYLAND,
 BRENNAN, CLARK, COOK, DIAZ, DINOWITZ, ESPAILLAT, FARRELL, GANTT,
 GLICK, GOTTFRIED, GREENE, HOOPER, JOHN, ORTIZ, PRETLOW, REILLY, ROBIN SON, SCARBOROUGH -- read once and referred to the Committee on Govern mental Operations

AN ACT to amend the executive law, in relation to granting the attorney general jurisdiction to investigate and prosecute police misconduct

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

- 1 Section 1. Section 63 of the executive law is amended by adding a new 2 subdivision 16 to read as follows:
- 3 INVESTIGATE THE ALLEGED COMMISSION OF ANY CRIMINAL OFFENSE OFFENSES COMMITTED BY A POLICE OFFICER IN CONNECTION WITH THE PERFORM-ANCE OF HIS OR HER OFFICIAL DUTIES, AND PROSECUTE ANY SUCH PERSON OR 5 6 BELIEVED TO HAVE COMMITTED SUCH CRIMINAL OFFENSE OR OFFENSES IN 7 CONNECTION WITH THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES. GENERAL MAY ONLY EXERCISE THE JURISDICTION PROVIDED BY THIS 8 ATTORNEY SUBDIVISION UPON A WRITTEN FINDING THAT SUCH JURISDICTION IS 9 NECESSARY 10 (A) OF A LACK OF ALTERNATIVE PROSECUTORIAL RESOURCES TO BECAUSE; OR OFFENSES 11 ADEQUATELY INVESTIGATE AND PROSECUTE SUCH CRIMINAL OFFENSE 12 (B) THE EXERCISE OF SUCH JURISDICTION IS NECESSARY TO ENSURE THE 13 CONFIDENCE OF THEPUBLIC INTHE JUDICIAL SYSTEM. ΙN ALL THE ATTORNEY GENERAL MAY APPEAR IN PERSON OR BY HIS OR HER 14 PROCEEDINGS, DEPUTY OR ASSISTANT BEFORE ANY COURT OR GRAND JURY AND EXERCISE 15 ALLTHE POWERS AND PERFORM ALL OF THE DUTIES WITH RESPECT TO SUCH ACTIONS OR 16
- 18 REQUIRED TO EXERCISE OR PERFORM.
 19 S 2. This act shall take effect on the ninetieth day after it shall
 20 have become a law.

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

PROCEEDINGS WHICH THE DISTRICT ATTORNEY WOULD OTHERWISE BE AUTHORIZED OR

LBD00214-01-9