

3349

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY -- read once and referred to the Committee
on Codes

AN ACT to amend the county law, in relation to providing for appointment
of special district attorney

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

1 Section 1. Paragraphs (a) and (b) of subdivision 1 of section 701 of
2 the county law, paragraph (a) as amended and paragraph (b) as added by
3 chapter 560 of the laws of 1991, are amended to read as follows:
4 (a) [appoint some attorney at law having an office in or residing in
5 the county, or any adjoining county, to act as special district attorney
6 during the absence, inability or disqualification of the district attor-
7 ney and such assistants as he or she may have; or
8 (b)] appoint a district attorney of any other county within the judi-
9 cial department or of any county adjoining the county wherein the action
10 is triable to act as special district attorney, provided such district
11 attorney agrees to accept appointment by such criminal court during such
12 absence, inability or disqualification of the district attorney and such
13 assistants as he or she may have; OR
14 (B) APPOINT THE ATTORNEY-GENERAL TO ACT AS SPECIAL DISTRICT ATTORNEY.
15 S 2. Subdivision 3 of section 701 of the county law, as added by chap-
16 ter 560 of the laws of 1991, is amended to read as follows:
17 3. Where a special district attorney appointed under this section is a
18 district attorney OR THE ATTORNEY-GENERAL, he or she may direct the
19 exercise of such powers and the performance of such duties by any
20 assistant in his or her office in any case in which he or she serves as
21 special district attorney to the same extent permitted by law in any
22 case in which he or she serves as district attorney OR AS ATTORNEY-GEN-
23 ERAL.
24 S 3. This act shall take effect immediately.

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

LBD02107-01-9