

2059

2009-2010 Regular Sessions

I N   S E N A T E

February 11, 2009

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Introduced by Sens. HUNTLEY, ADAMS, DIAZ, ESPADA, KRUEGER, PARKER, SAMPSON, SCHNEIDERMAN, SMITH -- 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, 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     16.     INVESTIGATE THE ALLEGED COMMISSION OF ANY CRIMINAL OFFENSE OR  
4     OFFENSES COMMITTED BY A POLICE OFFICER IN CONNECTION WITH THE PERFORM-  
5     ANCE OF HIS OR HER OFFICIAL DUTIES, AND PROSECUTE ANY SUCH PERSON OR  
6     PERSONS BELIEVED TO HAVE COMMITTED SUCH CRIMINAL OFFENSE OR OFFENSES IN  
7     CONNECTION WITH THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES. THE  
8     ATTORNEY GENERAL MAY ONLY EXERCISE THE JURISDICTION PROVIDED BY THIS  
9     SUBDIVISION UPON A WRITTEN FINDING THAT SUCH JURISDICTION IS NECESSARY  
10    BECAUSE; (A) OF A LACK OF ALTERNATIVE PROSECUTORIAL RESOURCES TO  
11    ADEQUATELY INVESTIGATE AND PROSECUTE SUCH CRIMINAL OFFENSE OR OFFENSES  
12    OR, (B) THE EXERCISE OF SUCH JURISDICTION IS NECESSARY TO ENSURE THE  
13    CONFIDENCE OF THE PUBLIC IN THE JUDICIAL SYSTEM.     IN ALL SUCH  
14    PROCEEDINGS, THE ATTORNEY GENERAL MAY APPEAR IN PERSON OR BY HIS OR HER  
15    DEPUTY OR ASSISTANT BEFORE ANY COURT OR GRAND JURY AND EXERCISE ALL OF  
16    THE POWERS AND PERFORM ALL OF THE DUTIES WITH RESPECT TO SUCH ACTIONS OR  
17    PROCEEDINGS WHICH THE DISTRICT ATTORNEY WOULD OTHERWISE BE AUTHORIZED OR  
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.

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

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