

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

6077--A

2009-2010 Regular Sessions

I N S E N A T E

July 6, 2009

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law, in relation to the issuance of a subpoena duces tecum by a state officer in an investigation of a state employee

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

1 Section 1. Section 61 of the public officers law, as amended by chap-
2 ter 310 of the laws of 1962, is amended to read as follows:
3 S 61. Investigations by state officers. Every state officer, in any
4 proceeding held before him OR HER, or in any investigation held by him
5 OR HER for the purpose of making inquiry as to the official conduct of
6 any subordinate officer or employee, shall have the power to issue
7 subpoenas for and require the attendance of witnesses and the production
8 of all books and papers relating to any matter under inquiry. All such
9 subpoenas shall be issued under the hand and seal of the state officer
10 holding such proceeding. A subpoena issued under this section shall be
11 regulated by the civil practice law and rules. The testimony of
12 witnesses in any such proceeding shall be under oath and the state offi-
13 cer instituting the proceeding shall have power to administer oaths. In
14 THE case of state boards or commissions, any member of the same, or,
15 when duly authorized by resolution, the secretary of such board or
16 commission, shall have power to issue subpoenas and administer oaths for
17 the purposes of this section. A SUBPOENA DUCES TECUM ISSUED BY THE STATE
18 OFFICER INSTITUTING THE PROCEEDING TO A PARTY OTHER THAN A STATE OFFICER
19 OR EMPLOYEE IN CONNECTION WITH AN INVESTIGATION OF A STATE OFFICER OR
20 EMPLOYEE SHALL BE ACCOMPANIED BY A COURT ORDER UNLESS THE STATE OFFICER
21 ISSUING THE SUBPOENA SERVES A COPY OF THE SUBPOENA ON THE OFFICER OR

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

LBD14433-02-0

1 EMPLOYEE WHO IS THE SUBJECT OF THE INVESTIGATION AT LEAST SEVEN DAYS
2 PRIOR TO THE DATE WHEN THE SUBPOENA REQUIRES THE PRODUCTION OF BOOKS OR
3 PAPERS.
4 S 2. This act shall take effect immediately.