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

1486

2009-2010 Regular Sessions

I N A S S E M B L Y

(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, ROBINSON, SCARBOROUGH -- read once and referred to the Committee on Governmental 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:

Section 1. Section 63 of the executive law is amended by adding a new subdivision 16 to read as follows:

16. INVESTIGATE THE ALLEGED COMMISSION OF ANY CRIMINAL OFFENSE OR OFFENSES COMMITTED BY A POLICE OFFICER IN CONNECTION WITH THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, AND PROSECUTE ANY SUCH PERSON OR PERSONS BELIEVED TO HAVE COMMITTED SUCH CRIMINAL OFFENSE OR OFFENSES IN CONNECTION WITH THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES. THE ATTORNEY GENERAL MAY ONLY EXERCISE THE JURISDICTION PROVIDED BY THIS SUBDIVISION UPON A WRITTEN FINDING THAT SUCH JURISDICTION IS NECESSARY BECAUSE; (A) OF A LACK OF ALTERNATIVE PROSECUTORIAL RESOURCES TO ADEQUATELY INVESTIGATE AND PROSECUTE SUCH CRIMINAL OFFENSE OR OFFENSES OR, (B) THE EXERCISE OF SUCH JURISDICTION IS NECESSARY TO ENSURE THE CONFIDENCE OF THE PUBLIC IN THE JUDICIAL SYSTEM. IN ALL SUCH PROCEEDINGS, THE ATTORNEY GENERAL MAY APPEAR IN PERSON OR BY HIS OR HER DEPUTY OR ASSISTANT BEFORE ANY COURT OR GRAND JURY AND EXERCISE ALL OF THE POWERS AND PERFORM ALL OF THE DUTIES WITH RESPECT TO SUCH ACTIONS OR PROCEEDINGS WHICH THE DISTRICT ATTORNEY WOULD OTHERWISE BE AUTHORIZED OR REQUIRED TO EXERCISE OR PERFORM.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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