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

1872

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the county law, in relation to ethical standards for district attorneys

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

Section 1. The county law is amended by adding a new section 708 to read as follows:

S 708. ETHICAL STANDARDS. 1. DISTRICT ATTORNEYS, SPECIAL DISTRICT ATTORNEY, ASSISTANT DISTRICT ATTORNEY AND EVERY ATTORNEY APPOINTED TO PROSECUTE A CRIMINAL PROCEEDING PURSUANT TO THIS ARTICLE, AND EVERY EMPLOYEE THEREOF SHALL BE SUBJECT TO THE LAWS, RULES AND REGULATIONS REGULATING THE CONDUCT OF ATTORNEYS AND COUNSELLORS AT LAW WITHIN THE DEPARTMENT OF THE APPELLATE DIVISION OF THE SUPREME COURT WITHIN WHICH SUCH ATTORNEY PROSECUTES CRIMINAL PROCEEDINGS.

2. NO SUCH ATTORNEY SHALL:

(A) IN THE ABSENCE OF PROBABLE CAUSE, SEEK AN INDICTMENT OF ANY PERSON;

(B) FAIL TO RELEASE ANY EXCULPATORY EVIDENCE TO AN INDICTED DEFENDANT IN A TIMELY MANNER;

(C) INTENTIONALLY MISLEAD A COURT AS TO THE GUILT OF ANY DEFENDANT;

(D) INTENTIONALLY PRESENT EVIDENCE WHICH HE OR SHE KNOWS IS FALSE OR INACCURATE;

(E) INTENTIONALLY ALTER EVIDENCE;

(F) ATTEMPT TO INFLUENCE OR CHANGE THE TESTIMONY OF A WITNESS;

(G) IMPEDE A DEFENDANT'S RIGHT TO DISCOVERY OR EXCULPATORY EVIDENCE;

(H) OFFER OR PROVIDE SEXUAL CONTACT WITH ANY PERSON ACTING ON SUCH ATTORNEY'S BEHALF, TO ANY POTENTIAL WITNESS;

(I) IMPROPERLY RELEASE ANY INFORMATION RELATING TO A CRIMINAL INVESTIGATION OR PROSECUTION;

(J) KNOWINGLY MISREPRESENT STATUTORY OR CASE LAW;

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

LBD00157-01-9

(K) ENGAGE IN CONDUCT HAVING THE APPEARANCE OF IMPROPRIETY; OR

(L) ENGAGE IN CONDUCT WHICH THE CHIEF ADMINISTRATOR OF THE COURT SHALL DETERMINE, IN RULES AND REGULATIONS, TO BE PROSECUTORIAL MISCONDUCT.

3. EVERY VIOLATION OF THIS SECTION SHALL BE DEEMED TO BE PROFESSIONAL MISCONDUCT PURSUANT TO THE JUDICIARY LAW AND SHALL BE REFERRED TO THE APPROPRIATE APPELLATE DIVISION OF THE SUPREME COURT PURSUANT TO THE JUDICIARY LAW.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.