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

7904

2009-2010 Regular Sessions

I N A S S E M B L Y

April 28, 2009

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

AN ACT to amend the executive law, in relation to the authority to issue subpoenas

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

Section 1. Section 215 of the executive law is amended by adding a new subdivision 3-b to read as follows:

3-B. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, ANY SUBPOENA POWER GRANTED TO THE SUPERINTENDENT OR HIS OR HER DESIGNEE SHALL BE LIMITED TO THOSE SITUATIONS OF EMERGENCY THAT MAY JEOPARDIZE THE SAFETY OF THE PUBLIC. IN ALL OTHER SITUATIONS, THE SUPERINTENDENT OR HIS OR HER DESIGNEE SHALL APPLY FOR A COURT ORDER AUTHORIZING THE ISSUANCE OF SUCH SUBPOENA. IN ANY EVENT, IF THE SUBPOENA IS DIRECTED TOWARD ANY MEMBER OF THE DIVISION OF STATE POLICE, SUCH MEMBER SHALL BE NOTIFIED OF THE SUBPOENA WITHIN TWENTY-FOUR HOURS OF THE DATE SUCH SUBPOENA WAS ISSUED OR OTHERWISE AUTHORIZED.

S 2. This act shall take effect immediately.

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

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