

8929

2009-2010 Regular Sessions

I N A S S E M B L Y

June 16, 2009

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

AN ACT to amend the executive law, in relation to the powers and duties of the attorney general to issue subpoenas

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

1 Section 1. The second undesignated paragraph of subdivision 12 of
2 section 63 of the executive law, as amended by chapter 86 of the laws of
3 1985, is amended to read as follows:
4 In connection with any such application, the attorney general is
5 authorized to take proof and make a determination of the relevant facts
6 and to issue subpoenas in accordance with the civil practice law and
7 rules AND TO SERVE SUCH SUBPOENAS IN THE SAME MANNER AS A SUMMONS MAY BE
8 SERVED, WITH OR WITHOUT THE STATE. ANY SUBPOENA SERVED PURSUANT TO THIS
9 SUBDIVISION WITHOUT THE STATE SHALL BE ISSUED AN EX PARTE ORDER OF THE
10 COURT BASED UPON A SHOWING THAT THE INFORMATION OR TESTIMONY SOUGHT
11 BEARS A REASONABLE RELATIONSHIP TO THE SUBJECT MATTER UNDER INVESTI-
12 GATION. Such authorization shall not abate or terminate by reason of any
13 action or proceeding brought by the attorney general under this section.
14 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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