

6077

2009-2010 Regular Sessions

I N   S E N A T E

July 6, 2009

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Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 in any investigation held by him for the  
5     purpose of making inquiry as to the official conduct of any subordinate  
6     officer or employee, shall have the power to issue subpoenas for and  
7     require the attendance of witnesses and the production of all books and  
8     papers relating to any matter under inquiry. All such subpoenas shall be  
9     issued under the hand and seal of the state officer holding such  
10    proceeding. A subpoena issued under this section shall be regulated by  
11    the civil practice law and rules. The testimony of witnesses in any such  
12    proceeding shall be under oath and the state officer instituting the  
13    proceeding shall have power to administer oaths. In case of state boards  
14    or commissions, any member of the same, or, when duly authorized by  
15    resolution, the secretary of such board or commission, shall have power  
16    to issue subpoenas and administer oaths for the purposes of this  
17    section.     A SUBPOENA DUCES TECUM ISSUED BY A STATE OFFICER TO A PARTY  
18    OTHER THAN A STATE EMPLOYEE IN CONNECTION WITH AN INVESTIGATION OF A  
19    STATE EMPLOYEE SHALL BE ACCOMPANIED BY A COURT ORDER UNLESS THE STATE  
20    OFFICER ISSUING THE SUBPOENA SERVES A COPY OF THE SUBPOENA ON THE  
21    EMPLOYEE WHO IS THE SUBJECT OF THE INVESTIGATION AT LEAST SEVEN DAYS  
22    PRIOR TO THE DATE WHEN THE SUBPOENA REQUIRES THE PRODUCTION OF BOOKS OR  
23    PAPERS.  
24    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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