

4300

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 3, 2011

---

Introduced by M. of A. CAMARA, CASTRO, N. RIVERA, McDONOUGH, FINCH --  
Multi-Sponsored by -- M. of A. BOYLAND, GIBSON, MENG -- read once and  
referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to investigation of  
state officers and employees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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 HER, or in any investigation held by him  
5     OR HER for the purpose of making inquiry as to the official conduct of  
6     any subordinate officer or employee, shall have the power to issue  
7     subpoenas for and require the attendance of witnesses and the production  
8     of all books and papers relating to any matter under inquiry. All such  
9     subpoenas shall be issued under the hand and seal of the state officer  
10    holding such proceeding. A subpoena issued under this section shall be  
11    regulated by the civil practice law and rules. The testimony of  
12    witnesses in any such proceeding shall be under oath and the state offi-  
13    cer instituting the proceeding shall have power to administer oaths. In  
14    THE case of state boards or commissions, any member of the same, or,  
15    when duly authorized by resolution, the secretary of such board or  
16    commission, shall have power to issue subpoenas and administer oaths for  
17    the purposes of this section. A SUBPOENA DUCES TECUM ISSUED BY THE STATE  
18    OFFICER INSTITUTING THE PROCEEDING TO A PARTY OTHER THAN A STATE OFFICER  
19    OR EMPLOYEE IN CONNECTION WITH AN INVESTIGATION OF A STATE OFFICER OR  
20    EMPLOYEE SHALL BE ACCOMPANIED BY A COURT ORDER UNLESS THE STATE OFFICER  
21    ISSUING THE SUBPOENA SERVES A COPY OF THE SUBPOENA ON THE OFFICER OR  
22    EMPLOYEE WHO IS THE SUBJECT OF THE INVESTIGATION AT LEAST SEVEN DAYS  
23    PRIOR TO THE DATE WHEN THE SUBPOENA REQUIRES THE PRODUCTION OF BOOKS OR  
24    PAPERS.  
25    S 2. This act shall take effect immediately.

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

LBD03949-01-1