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

6140

I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the county law and the executive law, in relation to requiring the attorney general to prosecute New York city police officers charged with a criminal offense in violation of any of the laws of this state

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

Section 1. Subdivision 1 of section 700 of the county law, as amended by chapter 560 of the laws of 1991, is amended to read as follows:

1. Except as provided in section seven hundred one of this chapter, it shall be the duty of every district attorney to conduct all prosecutions for crimes and offenses, EXCLUDING CRIMES AND OFFENSES ALLEGEDLY COMMITTED BY POLICE OFFICERS EMPLOYED BY A CITY HAVING A POPULATION OF ONE MILLION OR MORE, cognizable by the courts of the county for which he or she shall have been elected or appointed; except when the place of trial of an indictment is changed from one county to another, it shall be the duty of the district attorney of the county where the indictment is found to conduct the trial of the indictment so removed, and it shall be the duty of the district attorney of the county to which such trial is changed to assist in such trial upon the request of the district attorney of the county where the indictment was found. He or she shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors.

S 2. Section 700 of the county law is amended by adding a new subdivision 1-a to read as follows:

1-A. IT SHALL BE THE DUTY OF EVERY DISTRICT ATTORNEY TO INFORM THE ATTORNEY-GENERAL OF ANY CRIMES AND OFFENSES ALLEGEDLY COMMITTED BY POLICE OFFICERS EMPLOYED BY A CITY HAVING A POPULATION OF ONE MILLION OR MORE FOR FURTHER ACTION BY THE ATTORNEY-GENERAL, PURSUANT TO SUBDIVISION TEN-A OF SECTION SIXTY-THREE OF THE EXECUTIVE LAW.

S 3. Section 63 of the executive law is amended by adding a new subdivision 10-a to read as follows:

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

LBD09937-02-4

10-A. PROSECUTE EVERY POLICE OFFICER EMPLOYED BY A CITY HAVING A POPULATION OF ONE MILLION OR MORE CHARGED WITH THE COMMISSION OF A CRIMINAL OFFENSE IN VIOLATION OF ANY OF THE LAWS OF THIS STATE. IN ALL SUCH PROCEEDINGS, THE ATTORNEY-GENERAL MAY APPEAR IN PERSON OR BY HIS DEPUTY OR ASSISTANT BEFORE ANY COURT OR ANY GRAND JURY AND EXERCISE ALL THE POWERS AND PERFORM ALL THE DUTIES IN RESPECT OF SUCH ACTIONS OR PROCEEDINGS WHICH THE DISTRICT ATTORNEY WOULD OTHERWISE BE AUTHORIZED OR REQUIRED TO EXERCISE OR PERFORM.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.