

4321

2015-2016 Regular Sessions

I N A S S E M B L Y

January 30, 2015

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

AN ACT to amend the executive law, in relation to granting the attorney-general jurisdiction to investigate and prosecute police misconduct

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

1 Section 1. Section 63 of the executive law is amended by adding a new
2 subdivision 17 to read as follows:
3 17. INVESTIGATE THE ALLEGED COMMISSION OF ANY CRIMINAL OFFENSE OR
4 OFFENSES BY A POLICE OFFICER AS DEFINED IN SUBDIVISION SEVEN OF SECTION
5 EIGHT HUNDRED THIRTY-FIVE OF THIS CHAPTER, WHETHER OR NOT IN CONNECTION
6 WITH THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, AND PROSECUTE ANY
7 SUCH PERSON OR PERSONS BELIEVED TO HAVE COMMITTED SUCH CRIMINAL OFFENSE
8 OR OFFENSES. IN ALL SUCH PROCEEDINGS, THE ATTORNEY-GENERAL MAY APPEAR IN
9 PERSON, OR BY HIS OR HER DEPUTY OR ASSISTANT, BEFORE ANY COURT OR GRAND
10 JURY THEREOF AND EXERCISE ALL OF THE POWERS AND PERFORM ALL OF THE
11 DUTIES WITH RESPECT TO SUCH ACTIONS OR PROCEEDINGS WHICH A DISTRICT
12 ATTORNEY WOULD OTHERWISE BE AUTHORIZED OR REQUIRED TO EXERCISE OR
13 PERFORM, PROVIDED HOWEVER THAT THE COURT AND/OR GRAND JURY NOT BE
14 LOCATED WITHIN THE COUNTY WHERE THE CRIMINAL OFFENSE IS ALLEGED TO HAVE
15 OCCURRED. IN ANY OF SUCH ACTIONS OR PROCEEDINGS, THE DISTRICT ATTORNEY
16 FOR THE COUNTY WHERE THE CRIMINAL OFFENSE IS ALLEGED TO HAVE OCCURRED
17 AND THE DISTRICT ATTORNEY FOR THE COUNTY IN WHICH THE COURT IS LOCATED
18 SHALL ONLY EXERCISE SUCH POWERS AND PERFORM SUCH DUTIES AS ARE REQUIRED
19 OF HIM OR HER BY THE ATTORNEY-GENERAL OR THE DEPUTY OR ASSISTANT ATTOR-
20 NEY-GENERAL SO ATTENDING. IN ALL SUCH PROCEEDINGS, ALL EXPENSES INCURRED
21 BY THE ATTORNEY-GENERAL, INCLUDING THE SALARY OR OTHER COMPENSATION OF
22 ALL DEPUTIES AND ASSISTANTS EMPLOYED, SHALL BE A CHARGE AGAINST THE
23 COUNTY WHERE THE MATTER WOULD OTHERWISE HAVE BEEN PROSECUTED.
24 S 2. This act shall take effect on the ninetieth day after it shall
25 have become a law.

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

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