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

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4981

2015-2016 Regular Sessions

I N   S E N A T E

April 27, 2015
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Introduced by Sen. ORTT -- (at request of the Justice Center for the
    Protection of People with Special Needs) -- read twice and ordered
    printed, and when printed to be committed to the Committee on Mental
    Health and Developmental Disabilities

AN ACT to amend the executive law, in relation to jurisdiction of the
    justice center's special prosecutor and inspector general

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

 1   Section 1. Paragraphs (a) and (c) of subdivision 2 of section 552 of
 2 the executive law, as added by section 3 of part A of chapter 501 of the
 3 laws of 2012, are amended to read as follows:
 4   (a) The justice center also shall employ a special prosecutor and
 5 inspector general for the protection of people with special needs
 6 ("special prosecutor"), who shall be appointed by the governor. Other
 7 state agencies shall be required to make facilities available for office
 8 space throughout the state and to assist when requested with respect to
 9 the duties of the office. Pursuant to the provisions of this section,
10 such special prosecutor shall have the duty and power: (i) to investi-
11 gate and prosecute, IN ANY STATE COURT IN NEW YORK HAVING APPROPRIATE
12 JURISDICTION, offenses involving abuse or neglect, as defined in subdi-
13 vision eleven of section four hundred eighty-eight of the social
14 services law, committed against vulnerable persons by custodians as
15 defined in subdivision two of section four hundred eighty-eight of the
16 social services law; and (ii) to cooperate with and assist district
17 attorneys and other local law enforcement officials in their efforts
18 against such abuse or neglect of vulnerable persons. Provided that
19 nothing herein shall interfere with the ability of district attorneys at
20 any time to receive complaints, investigate and prosecute any suspected
21 abuse or neglect or for any persons, whether a mandated reporter or not,
22 to report a complaint to a district attorney or other appropriate law
23 enforcement official. The special prosecutor may request and shall

1 receive, from any agency, department, division, board, bureau or commis-
2 sion of the state, or any political subdivision thereof, cooperation and
3 assistance in the performance of his or her duties, and may provide
4 technical and other assistance to any district attorney or law enforce-
5 ment official requesting assistance in the investigation or prosecution
6 of abuse or neglect of vulnerable persons.
7   (c) The special prosecutor or one of his or her assistants may APPEAR
8 IN ANY STATE COURT IN NEW YORK HAVING APPROPRIATE JURISDICTION AND,
9 after consultation with the district attorney as to the time and place
10 of such attendance or appearance, attend in person any term of the coun-
11 ty court or supreme court having appropriate jurisdiction, including an
12 extraordinary special or trial term of the supreme court when one is
13 appointed pursuant to section one hundred forty-nine of the judiciary
14 law, or appear before the grand jury thereof, for the purpose of manag-
15 ing and conducting in such court or before such jury a criminal action
16 or proceeding concerned with an offense where any conduct constituting
17 or requisite to the completion of or in any other manner related to such
18 offense involved the abuse or neglect of a vulnerable person, as defined
19 in subdivision eleven of section four hundred eighty-eight of the social
20 services law. In such case, such special prosecutor or his or her
21 assistant so attending may exercise all the powers and perform all the
22 duties in respect of such actions or proceedings which the district
23 attorney would otherwise be authorized or required to exercise or
24 perform.
25   S 2. This act shall take effect immediately, and shall be deemed to
26 have been in full force and effect on and after June 30, 2013.