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

6038

2015-2016 Regular Sessions

I N S E N A T E

August 26, 2015

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

AN ACT to amend the criminal procedure law, in relation to prohibiting a grand jury from inquiring into an offense or misconduct that involves a shooting or use of excessive force by a police officer or peace officer that led or leads to the death or personal injury of a civilian

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

Section 1. Subdivision 1 of section 190.55 of the criminal procedure law is amended to read as follows:

1. (A) A grand jury may hear and examine evidence concerning the alleged commission of any offense prosecutable in the courts of the county, and concerning any misconduct, nonfeasance or neglect in public office by a public servant, whether criminal or otherwise.

(B) A GRAND JURY SHALL NOT INQUIRE INTO AN OFFENSE OR MISCONDUCT THAT INVOLVES A SHOOTING OR USE OF EXCESSIVE FORCE BY A POLICE OFFICER AND/OR PEACE OFFICER, AS DEFINED IN SECTIONS 1.20 AND 2.10 OF THIS CHAPTER RESPECTIVELY, THAT LED OR LEADS TO THE DEATH OR PERSONAL INJURY OF A CIVILIAN.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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