

2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

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Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public officers law, in relation to the qualifications for holding the office of assistant district attorney in the county of Wyoming

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

1     Section 1. Section 3 of the public officers law is amended by adding a  
2     new subdivision 64 to read as follows:  
3     64. IN THE COUNTY OF WYOMING, THE PROVISIONS OF THIS SECTION REQUIRING  
4     A PERSON TO BE A RESIDENT OF THE POLITICAL SUBDIVISION OR MUNICIPAL  
5     CORPORATION OF THE STATE FOR WHICH HE OR SHE SHALL BE CHOSEN OR WITHIN  
6     WHICH HIS OR HER OFFICIAL FUNCTIONS ARE REQUIRED TO BE EXERCISED, SHALL  
7     NOT PREVENT A PERSON FROM HOLDING THE OFFICE OF ASSISTANT DISTRICT  
8     ATTORNEY OF THE COUNTY OF WYOMING, PROVIDED THAT SUCH PERSON RESIDES IN  
9     WYOMING COUNTY OR AN ADJOINING COUNTY WITHIN THE STATE OF NEW YORK;  
10    PROVIDED, HOWEVER THAT ANY PERSON PERFORMING SUCH FUNCTIONS OR HOLDING  
11    THE OFFICE OF ASSISTANT DISTRICT ATTORNEY IN ANY OTHER COUNTY SHALL BE A  
12    RESIDENT OF SUCH COUNTY UNLESS OTHERWISE PROVIDED BY LAW. THE PROVISIONS  
13    OF THIS SUBDIVISION SHALL NOT APPLY TO ANY PERSON HOLDING THE OFFICE OF  
14    FIRST ASSISTANT DISTRICT ATTORNEY OR CHIEF ASSISTANT DISTRICT ATTORNEY,  
15    THE HOLDER OF WHICH WOULD ASSUME THE DUTIES OF THE DISTRICT ATTORNEY  
16    UPON THE DISTRICT ATTORNEY'S ABSENCE FROM THE COUNTY OR UPON THE  
17    DISTRICT ATTORNEY'S INABILITY TO PERFORM HIS OR HER DUTIES.  
18    S 2. This act shall take effect immediately.

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

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