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

2180

2015-2016 Regular Sessions

I N S E N A T E

January 21, 2015

Introduced by Sens. STEWART-COUSINS, GIANARIS, KRUEGER, SERRANO, HASSELL-THOMPSON, COMRIE, ESPAILLAT, HAMILTON, HOYLMAN, PERKINS, SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to creating an office of special investigation within the department of law

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

Section 1. The executive law is amended by adding a new section 63-e to read as follows:

S 63-E. OFFICE OF SPECIAL INVESTIGATION. THERE IS ESTABLISHED WITHIN THE DEPARTMENT OF LAW AN OFFICE OF SPECIAL INVESTIGATION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE OFFICE SHALL INVESTIGATE ANY CASE IN WHICH THE DEATH OF AN UNARMED CIVILIAN IS CAUSED BY A POLICE OFFICER DURING THE PERFORMANCE OF HIS OR HER DUTIES. SUCH OFFICE MAY ALSO BE PETITIONED TO TAKE OVER A CASE UNDER EXTRAORDINARY CIRCUMSTANCES WHEN THE ABOVE CRITERIA ARE NOT EXTENT. PROCEEDINGS OF THE OFFICE UNDER THIS SECTION SHALL BE CONDUCTED BY THE DEPUTY ATTORNEY GENERAL FOR SPECIAL INVESTIGATION, WHO MAY APPEAR IN PERSON OR BY HIS OR HER DEPUTY OR ASSISTANT BEFORE ANY COURT OR GRAND JURY AND EXERCISE ALL OF THE POWERS AND PERFORM ALL OF THE DUTIES WITH RESPECT TO SUCH ACTIONS OR PROCEEDINGS WHICH THE DISTRICT ATTORNEY WOULD OTHERWISE BE AUTHORIZED OR REQUIRED TO EXERCISE OR PERFORM. WHERE AN INVESTIGATION REQUIRED UNDER THIS SECTION INVOLVES THE STATE POLICE, THE ATTORNEY GENERAL SHALL APPOINT AN INDEPENDENT SPECIAL PROSECUTOR TO CONDUCT SUCH INVESTIGATION.

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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