4981

2015-2016 Regular Sessions

IN SENATE

April 27, 2015

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraphs (a) and (c) of subdivision 2 of section 552 of the executive law, as added by section 3 of part A of chapter 501 of the laws of 2012, are amended to read as follows:

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The justice center also shall employ a special prosecutor and inspector general for the protection of people with special needs ("special prosecutor"), who shall be appointed by the governor. Other state agencies shall be required to make facilities available for office space throughout the state and to assist when requested with respect to the duties of the office. Pursuant to the provisions of this section, such special prosecutor shall have the duty and power: (i) to gate and prosecute, IN ANY STATE COURT IN NEW YORK HAVING APPROPRIATE JURISDICTION, offenses involving abuse or neglect, as defined in subdivision eleven of section four hundred eighty-eight of the social services law, committed against vulnerable persons by custodians as defined in subdivision two of section four hundred eighty-eight of the social services law; and (ii) to cooperate with and assist district attorneys and other local law enforcement officials in their efforts against such abuse or neglect of vulnerable persons. Provided that nothing herein shall interfere with the ability of district attorneys at any time to receive complaints, investigate and prosecute any suspected abuse or neglect or for any persons, whether a mandated reporter or not, to report a complaint to a district attorney or other appropriate enforcement official. The special prosecutor may request and shall

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

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receive, from any agency, department, division, board, bureau or commission of the state, or any political subdivision thereof, cooperation and assistance in the performance of his or her duties, and may provide technical and other assistance to any district attorney or law enforcement official requesting assistance in the investigation or prosecution of abuse or neglect of vulnerable persons.

- (c) The special prosecutor or one of his or her assistants may APPEAR IN ANY STATE COURT IN NEW YORK HAVING APPROPRIATE JURISDICTION AND, after consultation with the district attorney as to the time and place of such attendance or appearance, attend in person any term of the county court or supreme court having appropriate jurisdiction, including an extraordinary special or trial term of the supreme court when one is appointed pursuant to section one hundred forty-nine of the judiciary or appear before the grand jury thereof, for the purpose of managing and conducting in such court or before such jury a criminal action proceeding concerned with an offense where any conduct constituting or requisite to the completion of or in any other manner related to such offense involved the abuse or neglect of a vulnerable person, as defined in subdivision eleven of section four hundred eighty-eight of the social services law. In such case, such special prosecutor or his or her assistant so attending may exercise all the powers and perform all the duties in respect of such actions or proceedings which the district attorney would otherwise be authorized or required to exercise or 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.