STATE OF NEW YORK

1941

2017-2018 Regular Sessions

IN ASSEMBLY

January 17, 2017

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to granting the attorney-general jurisdiction to investigate and prosecute police misconduct

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 63 of the executive law is amended by adding a new subdivision 17 to read as follows:

17. Investigate the alleged commission of any criminal offense or offenses by a police officer as defined in subdivision seven of section eight hundred thirty-five of this chapter, whether or not in connection with the performance of his or her official duties, and prosecute any such person or persons believed to have committed such criminal offense or offenses. In all such proceedings, the attorney-general may appear in person, or by his or her deputy or assistant, before any court or grand jury thereof and exercise all of the powers and perform all of the duties with respect to such actions or proceedings which a district attorney would otherwise be authorized or required to exercise or perform, provided however that the court and/or grand jury not be located within the county where the criminal offense is alleged to have occurred. In any of such actions or proceedings, the district attorney for the county where the criminal offense is alleged to have occurred and the district attorney for the county in which the court is located shall only exercise such powers and perform such duties as are required of him or her by the attorney-general or the deputy or assistant attorney-general so attending. In all such proceedings, all expenses incurred by the attorney-general, including the salary or other compensation of all deputies and assistants employed, shall be a charge against the county where the matter would otherwise have been prosecuted.

§ 2. This act shall take effect on the ninetieth 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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