STATE OF NEW YORK

5625

2017-2018 Regular Sessions

IN SENATE

April 21, 2017

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

AN ACT to amend the criminal procedure law, in relation to requiring grand jury proceedings for police officers or peace officers involved in a shooting or excessive use of force that led or leads to the death or personal injury of an unarmed civilian to be conducted in open, contemporaneous public hearings; prohibiting indictment of a police or peace officer involved in a shooting or an incident involving excessive use of force by way of an indictment by information; and requiring a district attorney who declines to pursue an indictment of police or peace officers to provide a report explaining his or her decision

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) Grand jury proceedings for police officers or peace officers involved in a shooting or excessive use of force that led or leads to the death or personal injury of an unarmed civilian shall be conducted in open, contemporaneous public hearings.

(c) A district attorney charged with investigating police officers or peace officers involved in a shooting or excessive use of force that led or leads to the death or personal injury of an unarmed civilian shall not seek indictment of the defendant officers by way of an indictment by information.

(d) A district attorney who declines to pursue an indictment of police officers or peace officers involved in a shooting or excessive use of force that led or leads to the death or personal injury of an unarmed

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

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civilian shall produce a detailed report that describes how they reached such decision.

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