AN ACT to amend the criminal procedure law, in relation to presidential
reprieve, pardon or other form of clemency and previous prosecution

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

Section 1. The criminal procedure law is amended by adding a new
section 40.51 to read as follows:

§ 40.51 Previous prosecution: presidential reprieve, pardon or other
form of clemency.

When a person has been granted a reprieve, pardon or other form of
clemency for an offense pursuant to the authority granted in section two
of article two of the United States constitution, a separate or subse-
quent prosecution of an offense is not barred under this article when
the people demonstrate, by clear and convincing evidence, that:

1. (a) such person served in or was employed by the executive branch
of the government of the United States on the executive staff of the
president, in the executive office of the president, or in an acting or
confirmed capacity in a position subject to confirmation by the United
States senate, at a time when the president granting such reprieve,
pardon or other form of clemency served as president or vice-president
of the United States; or (b) such person was directly or indirectly
employed by, or acted as an agent of, the election, transition or re-e-
lection campaign of the president granting such reprieve, pardon or
other form of clemency or any for-profit or not-for-profit entity owned
or controlled by the president granting such reprieve, pardon or other
form of clemency; or

2. such person was, at the time the president granted such reprieve,
pardon or other form of clemency, related by consanguinity or affinity

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.
within the sixth degree to the president granting such reprieve, pardon
or other form of clemency; or

3. such person bears accessorial liability, as defined in section
20.00 of the penal law, or conspiratorial liability, within the meaning
of article one hundred five of the penal law, for such offense with one
or more persons described in subdivision one or two of this section; or

4. the president who granted such reprieve, pardon or other form of
clemency to such person (a) was thereby aided in avoiding potential
prosecution or conviction; (b) knowingly obtained a benefit from such
offense; or (c) knowingly obtained a tangible, material benefit from or
on behalf of such person; or

5. such person possessed or possesses information material to the
determination of any criminal or civil investigation, enforcement action
or prosecution of the president granting such reprieve, pardon or other
form of clemency, or of one or more persons described in subdivision
one, two or three of this section.

§ 2. This act shall take effect immediately and shall apply to
offenses committed on or after such date and shall also apply to
offenses committed before such date where the proceedings specified in
subdivision 1 of section 40.30 of the criminal procedure law have not
occurred as of such date.