STATE OF NEW YORK

5260--A

2021-2022 Regular Sessions

IN SENATE

March 1, 2021

Introduced by Sens. KAMINSKY, ADDABBO, BAILEY, BENJAMIN, BIAGGI, BRISPORT, BROOKS, BROUK, COMRIE, COONEY, GAUGHRAN, GIANARIS, GOUNARDES, HARCKHAM, HINCHEY, HOYLMAN, JACKSON, KAPLAN, KAVANAGH, KENNEDY, KRUEGER, LIU, MANNION, MAY, MAYER, MYRIE, PERSAUD, RAMOS, REICHLIN-MELNICK, RIVERA, RYAN, SALAZAR, SANDERS, SEPULVEDA, SKOUFIS, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to expanding the authority of the attorney general to investigate violations of the public officers law

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 18 to read as follows:

18. Investigate the alleged violation of any provision of the public officers law and prosecute any such person or persons believed to have committed such violations, provided that nothing herein shall interfere with the ability of district attorneys at any time to receive complaints, investigate and prosecute any such crimes or violations related to the public officers law. The attorney general may request and shall 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 assistance to any district attorney or law enforcement official requesting assistance in the investigation or prosecution of any violations of the public officers law.

§ 2. Subdivision 8 of section 63 of the executive law, as amended by chapter 451 of the laws of 1977, is amended to read as follows:

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

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8. Whenever in [~~his~~] **the attorney-general's** judgment the public interest requires it, the attorney-general may, with the approval of the governor, and when directed by the governor, shall, inquire into matters concerning the public peace, public safety and public justice. For such purpose [~~he~~] **the attorney-general** may, in his discretion, and without civil service examination, appoint and employ, and at pleasure remove, such deputies, officers and other persons as he deems necessary, determine their duties and, with the approval of the governor, fix their compensation. All appointments made pursuant to this subdivision shall be immediately reported to the governor, and shall not be reported to any other state officer or department. Payments of salaries and compensation of officers and employees and of the expenses of the inquiry shall be made out of funds provided by the legislature for such purposes, which shall be deposited in a bank or trust company in the names of the governor and the attorney-general, payable only on the draft or check of the attorney-general, countersigned by the governor, and such disbursements shall be subject to no audit except by the governor and the attorney-general. The attorney-general, his deputy, or other officer, designated by him, is empowered to subpoena witnesses, compel their attendance, examine them under oath before himself or a magistrate and require that any books, records, documents or papers relevant or material to the inquiry be turned over to [~~him~~] **the attorney-general** for inspection, examination or audit, pursuant to the civil practice law and rules. If a person subpoenaed to attend upon such inquiry fails to obey the command of a subpoena without reasonable cause, or if a person in attendance upon such inquiry shall, without reasonable cause, refuse to be sworn or to be examined or to answer a question or to produce a book or paper, when ordered so to do by the officer conducting such inquiry, he shall be guilty of a misdemeanor. It shall be the duty of all public officers, their deputies, assistants and subordinates, clerks and employees, and all other persons, to render and furnish to the attorney-general, his deputy or other designated officer, when requested, all information and assistance in their possession and within their power. Each deputy or other officer appointed or designated to conduct such inquiry shall make a weekly report in detail to the attorney-general, in form to be approved by the governor and the attorney-general, which report shall be in duplicate, one copy of which shall be forthwith, upon its receipt by the attorney-general, transmitted by him to the governor. Any officer participating in such inquiry and any person examined as a witness upon such inquiry who shall disclose to any person other than the governor or the attorney-general the name of any witness examined or any information obtained upon such inquiry, except as directed by the governor or the attorney-general, shall be guilty of a misdemeanor.

§ 3. This act shall take effect immediately.