

STATE OF NEW YORK

4687--C

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. PEOPLES-STOKES, MEEKS -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to the office of special investigation inspecting serious physical injuries that may have resulted in death

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

1 Section 1. Subdivisions 1 and 2 of section 70-b of the executive law,
2 as added by chapter 95 of the laws of 2020, are amended and a new subdivi-
3 sion 1-a is added to read as follows:
4 1. There shall be established within the office of the attorney gener-
5 al an office of special investigation. Notwithstanding any other
6 provision of law, the office of special investigation shall investigate
7 and, if warranted, prosecute any alleged criminal offense or offenses
8 committed by a person, whether or not formally on duty, who is a police
9 officer, as defined in subdivision thirty-four of section 1.20 of the
10 criminal procedure law, or a peace officer as defined in section 2.10 of
11 the criminal procedure law, provided that such peace officer is employed
12 or contracted by an education, public health, social service, parks,
13 housing or corrections agency, or is a peace officer as defined in
14 subdivision twenty-five of section 2.10 of the criminal procedure law,
15 concerning any incident in which the death, or serious physical injury
16 pursuant to subdivision one-a of this section, of a person, whether in
17 custody or not, is caused by an act or omission of such police officer
18 or peace officer or in which the attorney general determines there is a

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

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1 question as to whether the death, or serious physical injury pursuant to
2 subdivision one-a of this section, was in fact caused by an act or omis-
3 sion of such police officer or peace officer.

4 1-a. The office of special investigation shall establish a demon-
5 stration project in certain counties related to incidents described in
6 subdivision one of this section that result in serious physical injury
7 of a person, that the attorney general determines such serious physical
8 injury reasonably could have resulted in death, or did result in paraly-
9 sis, comatose, brain damage, or any other life threatening grave bodily
10 injury as determined by the attorney general. Such demonstration project
11 shall be established for incidents occurring in counties not wholly
12 contained within a city with a population as of the most recent census
13 under one million and over four hundred thousand. The provisions of this
14 section shall apply to the demonstration project established by this
15 subdivision in the same manner as incidents of death of a person under
16 the jurisdiction of the attorney general as prescribed by this section.

17 2. The attorney general has investigative authority and criminal
18 jurisdiction under this section at the time of the death, or serious
19 physical injury pursuant to subdivision one-a of this section, of the
20 person and the attorney general retains investigative authority and
21 criminal jurisdiction over the incident unless the attorney general
22 determines that such incident does not meet the requirements of this
23 section. If the attorney general determines the incident does not meet
24 the requirements for the attorney general to have investigative authori-
25 ty and criminal jurisdiction pursuant to this section, the attorney
26 general shall, as soon as practicable, provide written notice of such
27 determination to the district attorney for the county in which the inci-
28 dent occurred.

29 § 2. This act shall take effect January 1, 2023.