STATE OF NEW YORK

9142

IN ASSEMBLY

February 8, 2024

Introduced by M. of A. SIMON -- read once and referred to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 24 of article 6 of the constitution, in relation to allowing an impeachment proceeding to proceed after the resignation of a person from public office and prohibits such person from holding a future public office

Section 1. Resolved (if the Senate concur), That section 24 of article 6 of the constitution be amended to read as follows:

§ 24. The assembly shall have the power of impeachment by a vote of a majority of all the members elected thereto. The court for the trial of impeachments shall be composed of the president of the senate, the senators, or the major part of them, and the judges of the court of appeals, or the major part of them. **Where an impeachment and a trial of impeachment may proceed under this section against a person holding office, such impeachment and trial of impeachment may be brought or proceed notwithstanding that such person has resigned from that office.** On the trial of an impeachment against the governor or lieutenant-governor, neither the lieutenant-governor nor the temporary president of the senate shall act as a member of the court. No judicial officer shall exercise his or her office after articles of impeachment against him or her shall have been preferred to the senate, until he or she shall have been acquitted. Before the trial of an impeachment, the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to the evidence, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any public office of honor, trust, or profit under this state**, or where a person has resigned from office before final judgment is rendered, disqualification to hold and enjoy any public office of honor, trust, or profit under this state**; but the party impeached shall be liable to indictment and punishment according to law.

§ 2. Resolved (if the Senate concur), That the foregoing be referred to the first regular legislative session convening after the next

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

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succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.