

STATE OF NEW YORK

5945

2023-2024 Regular Sessions

IN SENATE

March 23, 2023

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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:

1 Section 1. Section 63 of the executive law is amended by adding a new
2 subdivision 18 to read as follows:

3 18. Investigate the alleged violation of any provision of the public
4 officers law and prosecute any such person or persons believed to have
5 committed such violations, provided that nothing herein shall interfere
6 with the ability of district attorneys at any time to receive
7 complaints, investigate and prosecute any such crimes or violations
8 related to the public officers law. The attorney general may request and
9 shall receive, from any agency, department, division, board, bureau or
10 commission of the state, or any political subdivision thereof, cooper-
11 ation and assistance in the performance of his or her duties and may
12 provide assistance to any district attorney or law enforcement official
13 requesting assistance in the investigation or prosecution of any
14 violations of the public officers law.

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

17 8. Whenever in [~~his~~] the attorney-general's judgment the public inter-
18 est requires it, the attorney-general may, with the approval of the
19 governor, and when directed by the governor, shall, inquire into matters
20 concerning the public peace, public safety and public justice. For such
21 purpose [~~he~~] the attorney-general may, in his discretion, and without
22 civil service examination, appoint and employ, and at pleasure remove,
23 such deputies, officers and other persons as he deems necessary, deter-

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

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1 mine their duties and, with the approval of the governor, fix their
2 compensation. All appointments made pursuant to this subdivision shall
3 be immediately reported to the governor, and shall not be reported to
4 any other state officer or department. Payments of salaries and compen-
5 sation of officers and employees and of the expenses of the inquiry
6 shall be made out of funds provided by the legislature for such
7 purposes, which shall be deposited in a bank or trust company in the
8 names of the governor and the attorney-general, payable only on the
9 draft or check of the attorney-general, countersigned by the governor,
10 and such disbursements shall be subject to no audit except by the gover-
11 nor and the attorney-general. The attorney-general, his deputy, or other
12 officer, designated by him, is empowered to subpoena witnesses, compel
13 their attendance, examine them under oath before himself or a magistrate
14 and require that any books, records, documents or papers relevant or
15 material to the inquiry be turned over to [~~him~~] the attorney-general for
16 inspection, examination or audit, pursuant to the civil practice law and
17 rules. If a person subpoenaed to attend upon such inquiry fails to obey
18 the command of a subpoena without reasonable cause, or if a person in
19 attendance upon such inquiry shall, without reasonable cause, refuse to
20 be sworn or to be examined or to answer a question or to produce a book
21 or paper, when ordered so to do by the officer conducting such inquiry,
22 he shall be guilty of a misdemeanor. It shall be the duty of all public
23 officers, their deputies, assistants and subordinates, clerks and
24 employees, and all other persons, to render and furnish to the attor-
25 ney-general, his deputy or other designated officer, when requested, all
26 information and assistance in their possession and within their power.
27 Each deputy or other officer appointed or designated to conduct such
28 inquiry shall make a weekly report in detail to the attorney-general, in
29 form to be approved by the governor and the attorney-general, which
30 report shall be in duplicate, one copy of which shall be forthwith, upon
31 its receipt by the attorney-general, transmitted by him to the governor.
32 Any officer participating in such inquiry and any person examined as a
33 witness upon such inquiry who shall disclose to any person other than
34 the governor or the attorney-general the name of any witness examined or
35 any information obtained upon such inquiry, except as directed by the
36 governor or the attorney-general, shall be guilty of a misdemeanor.

37 § 3. This act shall take effect immediately.