

STATE OF NEW YORK

9721

IN ASSEMBLY

April 3, 2024

Introduced by M. of A. J. A. GIGLIO -- read once and referred to the
Committee on Codes

AN ACT to amend the executive law, in relation to the office of special
investigation

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

1 Section 1. Subdivisions 2 and 6 of section 70-b of the executive law,
2 as added by chapter 95 of the laws of 2020, are amended to read as
3 follows:

4 2. The attorney general has investigative authority and criminal
5 jurisdiction under this section at the time of the death of the person
6 and the attorney general retains investigative authority and criminal
7 jurisdiction over the incident unless the attorney general determines
8 that such incident does not meet the requirements of this section. If
9 the attorney general determines the incident does not meet the require-
10 ments for the attorney general to have investigative authority and crim-
11 inal jurisdiction pursuant to this section, the attorney general shall,
12 ~~[as soon as practicable]~~ within sixty days, provide written notice of
13 such determination to the district attorney for the county in which the
14 incident occurred.

15 6. (a) For any incident under this section, the office of special
16 investigation shall issue a public report and post the report on its
17 website whenever the office of special investigation initiates an inves-
18 tigation and (i) the office of special investigation declines to present
19 evidence to a grand jury or (ii) the office of special investigation
20 does present evidence to a grand jury but the grand jury declines to
21 return indictment on any charges. The report will include, to the extent
22 possible and lawful, the results of the investigation of the incident.
23 Such report shall be issued within sixty days of the initiation of the
24 investigation; provided that such period may, for good cause shown, be
25 extended for thirty day intervals.

26 (b) The report shall also include: (i) with respect to subparagraph
27 (i) of paragraph (a) of this subdivision, an explanation as to why the
28 office of special investigation declined to present evidence to a grand

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

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1 jury; and (ii) any recommendations for systemic or other reforms arising
2 from the investigation.
3 § 2. This act shall take effect on the sixtieth day after it shall
4 have become a law.