STATE OF NEW YORK

2034

2023-2024 Regular Sessions

IN SENATE

January 18, 2023

Introduced by Sens. STEC, BORRELLO, MATTERA, OBERACKER, ORTT, PALUMBO, TEDISCO, WEIK -- read twice and ordered printed, and when printed to be committed 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 extending the power of impeachment and trial of impeachment to former office holders for impeachable conduct committed while in office

Section 1. Resolved (if the Assembly 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 power of impeachment and the trial of an impeachment shall extend to the impeachment and trial of any person who formerly held a public office of honor, trust, or profit under this state for impeachable conduct committed while such person held such office.** 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. 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 disqualification to hold and enjoy any public office of honor, trust, or profit under this state where the party impeached no longer**

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

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holds office at the time judgment is rendered; but the party impeached shall be liable to indictment and punishment according to law.

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