

STATE OF NEW YORK

1312

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by M. of A. SIMON, DINOWITZ, GANDOLFO, SEAWRIGHT, JACKSON,
ZINERMAN -- read once and referred to the Committee on Governmental
Operations

AN ACT to amend the executive law, in relation to granting the legisla-
ture the authority to direct the attorney-general to inquire into
matters concerning the public peace, public safety and public justice

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

1 Section 1. Subdivision 8 of section 63 of the executive law, as
2 amended by chapter 451 of the laws of 1977, is amended to read as
3 follows:
4 8. (a) Whenever in [~~his~~] the judgment of the attorney general the
5 public interest requires it, the attorney-general may, with the approval
6 of the governor, and when directed by the governor, shall, inquire into
7 matters concerning the public peace, public safety and public justice.
8 For such purpose [~~he~~] the attorney general may, in [~~his~~] their
9 discretion, and without civil service examination, appoint and employ,
10 and at pleasure remove, such deputies, officers and other persons as
11 [~~he~~] the attorney general deems necessary, determine their duties and,
12 with the approval of the governor, fix their compensation. All appoint-
13 ments made pursuant to this [~~subdivision~~] paragraph shall be immediately
14 reported to the governor, and shall not be reported to any other state
15 officer or department. Payments of salaries and compensation of officers
16 and employees and of the expenses of the inquiry shall be made out of
17 funds provided by the legislature for such purposes, which shall be
18 deposited in a bank or trust company in the names of the governor and
19 the attorney-general, payable only on the draft or check of the attor-
20 ney-general, countersigned by the governor, and such disbursements shall
21 be subject to no audit except by the governor and the attorney-general.
22 The attorney-general, [~~his~~] their deputy, or other officer, designated
23 by [~~him~~] the attorney, is empowered to subpoena witnesses, compel their

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

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1 attendance, examine them under oath before [~~himself~~] the attorney gener-
2 al or a magistrate and require that any books, records, documents [~~or~~],
3 papers, or electronic communications or records relevant or material to
4 the inquiry be turned over to [~~him~~] the attorney general for inspection,
5 examination or audit, pursuant to the civil practice law and rules. If a
6 person subpoenaed to attend upon such inquiry fails to obey the command
7 of a subpoena without reasonable cause, or if a person in attendance
8 upon such inquiry shall, without reasonable cause, refuse to be sworn or
9 to be examined or to answer a question or to produce a book [~~or~~], paper,
10 or electronic communication or record, when ordered so to do by the
11 officer conducting such inquiry, [~~he~~] such person shall be guilty of a
12 misdemeanor. It shall be the duty of all public officers, their depu-
13 ties, assistants and subordinates, clerks and employees, and all other
14 persons, to render and furnish to the attorney-general, [~~his~~] their
15 deputy or other designated officer, when requested, all information and
16 assistance in their possession and within their power. Each deputy or
17 other officer appointed or designated to conduct such inquiry shall make
18 a weekly report in detail to the attorney-general, in form to be
19 approved by the governor and the attorney-general, which report shall be
20 in duplicate, one copy of which shall be forthwith, upon its receipt by
21 the attorney-general, transmitted by [~~him~~] the attorney general to the
22 governor. Any officer participating in such inquiry and any person exam-
23 ined as a witness upon such inquiry who shall disclose to any person
24 other than the governor or the attorney-general the name of any witness
25 examined or any information obtained upon such inquiry, except as
26 directed by the governor or the attorney-general, shall be guilty of a
27 misdemeanor.

28 (b) Provided, further, that the legislature shall be empowered to
29 direct the attorney-general by concurrent resolution to inquire into
30 matters concerning the public peace, public safety and public justice.
31 For such purposes the attorney-general may, in their discretion, and
32 without civil service examination, appoint and employ, and at pleasure
33 remove, such deputies, officers and other persons as the attorney gener-
34 al deems necessary, determine their duties and, with the approval of the
35 legislature, fix their compensation. All appointments made pursuant to
36 this paragraph shall be immediately reported to the temporary president
37 of the senate and the speaker of the assembly and shall not be reported
38 to any other state officer or department. Payments of salaries and
39 compensation of officers and employees and of the expenses of the
40 inquiry shall be made out of funds provided by the legislature for such
41 purposes, which shall be deposited in a bank or trust company in the
42 names of the temporary president of the senate, the speaker of the
43 assembly, and the attorney-general, payable only on the draft or check
44 of the attorney-general, countersigned by the temporary president of the
45 senate and the speaker of the assembly, and such disbursements shall be
46 subject to no audit except by the legislature and the attorney-general.
47 The attorney-general, their deputy, or other officer, designated by the
48 attorney, is empowered to subpoena witnesses, compel their attendance,
49 examine them under oath before the attorney general or a magistrate and
50 require that any books, records, documents, papers, or electronic commu-
51 nications or records relevant or material to the inquiry be turned over
52 to the attorney general for inspection, examination or audit, pursuant
53 to the civil practice law and rules. If a person subpoenaed to attend
54 upon such inquiry fails to obey the command of a subpoena without
55 reasonable cause, or if a person in attendance upon such inquiry shall,
56 without reasonable cause, refuse to be sworn or to be examined or to

1 answer a question or to produce a book, paper, or electronic communi-
2 cation or record when ordered to do so by the officer conducting such
3 inquiry, such person shall be guilty of a misdemeanor. It shall be the
4 duty of all public officers, their deputies, assistants and subordi-
5 nates, clerks and employees, and all other persons, to render and
6 furnish to the attorney-general, their deputy or other designated offi-
7 cer, when requested, all information and assistance in their possession
8 and within their power. Each deputy or other officer appointed or
9 designated to conduct such inquiry shall make a weekly report in detail
10 to the attorney-general, in a form to be approved by the legislature
11 and the attorney-general, which report shall be in duplicate, one copy
12 of which shall be forthwith, upon its receipt by the attorney-general,
13 transmitted to the temporary president of the senate and the speaker of
14 the assembly. Any officer participating in such inquiry and any person
15 examined as a witness upon such inquiry who shall disclose to any person
16 other than the legislature or the attorney-general the name of any
17 witness examined or any information obtained upon such inquiry, except
18 as directed by the legislature or the attorney-general, shall be guilty
19 of a misdemeanor. The investigation described in this paragraph shall be
20 entirely free from interference from the governor or any other state
21 agency or official. The attorney-general and legislature shall be under
22 no obligation to disclose any information pertaining to such investi-
23 gation with any such agency or official and shall be empowered to take
24 additional steps not prescribed by this paragraph to shield the investi-
25 gation from attempts to influence such investigation which they deem
26 unwarranted and inappropriate.

27 § 2. This act shall take effect immediately.