

# STATE OF NEW YORK

7796--A

2025-2026 Regular Sessions

## IN SENATE

May 6, 2025

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law, permitting Yates county assistant district attorneys and assistant public defenders to reside in Chemung county

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

1 Section 1. Subdivisions 38 and 38-a of section 3 of the public offi-  
2 cers law, subdivision 38 as added by chapter 456 of the laws of 1994 and  
3 subdivision 38-a as added by chapter 436 of the laws of 1998, are  
4 amended to read as follows:

5 38. In the county of Yates, the provisions of this section requiring a  
6 person to be a resident of the political subdivision or municipal corpo-  
7 ration of the state for which [~~he~~] such person shall be chosen or within  
8 which [~~his~~] such person's official functions are required to be exer-  
9 cised, shall not prevent a person from holding the office of assistant  
10 district attorney of the county of Yates, other than the first assistant  
11 district attorney, provided that such person resides in Yates county  
12 [~~or~~], an adjoining county within the state of New York, or within  
13 Chemung county.

14 38-a. In the county of Yates, the provisions of this section requiring  
15 a person to be a resident of the political subdivision or municipal  
16 corporation of the state for which [~~he or she~~] such person shall be  
17 chosen or within which [~~his or her~~] such person's official functions are  
18 required to be exercised, shall not prevent a person regularly admitted  
19 to practice as an attorney or counselor in the courts of record of this  
20 state from holding the office of assistant public defender of the county  
21 of Yates, provided that such person resides in the county of Yates [~~or~~],  
22 an adjoining county within the state of New York, or within Chemung  
23 county.

24 § 2. This act shall take effect immediately.

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

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