STATE OF NEW YORK

10285

IN ASSEMBLY

February 20, 2026

Introduced by M. of A. BRONSON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law and the county law, in relation to establishing the office of special investigation for work-related fatalities

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

Section 1. The executive law is amended by adding a new section 70-d to read as follows:

§ 70-d. Office of special investigation for work-related fatalities. 1. There is hereby established within the office of the attorney general an office of special investigation for work-related fatalities. The attorney general shall have investigatory authority and criminal jurisdiction to investigate and, if warranted, prosecute any alleged criminal offense committed in connection with the death of a worker arising from or occurring during the course of employment, regardless of the worker's occupation, employer, or industry.

2. For the purposes of this section:

(a) "Employee" shall include, but not be limited to, direct employees, contracted employees, subcontracted employees, independent contractors, temporary or contingency workers, apprentices, interns, volunteers, or any other persons who perform duties at the direction and discretion of an employer or who provides services pursuant to a contract in the workplace.

(b) "Employer" shall include a direct employer, contractor, or subcontractor. In the absence of a formal hiring agreement, the person who directs or provides compensation to the worker shall be considered the employer unless such person is also directed and compensated by another. In such cases, the persons successively above the worker in the employment chain shall be considered the employer. In the instance of the death of an intern or volunteer, the entity directing such intern or volunteer in their duties as such shall be considered the employer.

(c) "Workplace" shall include, but not be limited to, any location where a worker performs any work-related duty in the course of their

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

LBD13071-01-5

employment, or any other site where the worker may be as a result of the employer's direction.

(d) "Work-related fatality" shall mean the death of any employee that occurs during the course and scope of employment and results from acts or omissions occurring at a workplace, including but not limited to machinery accidents, falls, structural failures, workplace violence, or employer negligence. A "work-related fatality" does not include deaths due solely to natural causes, unless such causes were precipitated or accelerated by conditions of employment or the work environment.

3. (a) The attorney general shall investigate any incident within the state that has been referred to the office pursuant to section six hundred seventy-one of the county law, where an employee may have died during the performance of work-related duties, or as a result of conditions or actions occurring in the workplace, including but not limited to: unsafe working conditions; employer negligence; violations of occupational safety laws or regulations; or deaths arising from construction, manufacturing, agricultural, or transportation worksites.

(b) Local law enforcement agencies, district attorneys, the department of labor or other relevant investigatory authority that become aware of a fatality occurring under circumstances suggestive of a work-related fatality shall provide an incident report to the office within forty-eight hours of obtaining such knowledge. Such incident report shall include: the name and age of the deceased; the date, time, and location of the death; a summary of the findings of any preliminary investigation or post-mortem examination; the suspected cause and manner of death; the name of the deceased's employer; a statement of any referrals made to regulatory agencies, such as the department of labor or the occupational safety and health administration (OSHA); and contact information for any responding law enforcement.

(c) The attorney general may also independently initiate an investigation based on other credible information.

(d) The attorney general may request the assistance and cooperation of any state, local, or federal agency in conducting investigations under this section.

4. If, following an investigation, the attorney general determines that there is a reasonable cause to believe a criminal offense was committed, such attorney general may prosecute any employer in any court of appropriate jurisdiction within the state.

§ 2. Subdivision 1 of section 671 of the county law is amended by adding a new paragraph (c) to read as follows:

(c) if it is determined that the death is suggestive of a work-related fatality, or occurred as a result of conditions present at the individual's workplace, shall, within forty-eight hours, notify the office of special investigation for work-related fatalities in the department of law and provide an incident report. Such incident report shall include: the name and age of the deceased; the date, time, and location of the death; a summary of the findings of any preliminary investigation or post-mortem examination; the suspected cause and manner of death; the name of the deceased's employer; a statement of any referrals made to regulatory agencies, such as the department of labor or the occupational safety and health administration (OSHA); and contact information for any responding law enforcement. The coroner or medical examiner shall cooperate with any subsequent investigation conducted by the attorney general under section seventy-d of the executive law, including providing access to autopsy reports, witness interviews, and physical evidence.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.