

STATE OF NEW YORK

7790

2025-2026 Regular Sessions

IN ASSEMBLY

April 10, 2025

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

AN ACT to amend the executive law, in relation to establishing the commission on public officer investigation

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

1 Section 1. The executive law is amended by adding a new section 63-e
2 to read as follows:

3 § 63-e. Commission on public officer investigation. 1. There is estab-
4 lished within the department of law the commission on public officer
5 investigation which shall undertake a comprehensive review of matters
6 concerning the public peace, public safety and public justice and the
7 alleged commission of an indictable offense by certain public officials.
8 After such review, if the commission has found a substantial basis to
9 conclude that an individual has violated the law of this state, the
10 commission shall authorize a full investigation by the attorney general.

11 2. When the commission receives a complaint alleging a violation of
12 the law of this state by statewide elected officials, members of the
13 legislature, employees of the legislature, state officers and employees,
14 as defined in sections seventy-three and seventy-three-a of the public
15 officers law and candidates for statewide elected office, or if the
16 commission determines on its own initiative to review a possible
17 violation, the commission shall notify the individual in writing,
18 describe the alleged violation of law, provide a description of the
19 allegation and the evidence, if any, supporting such allegation and
20 provide the individual with a ten day period in which to submit a writ-
21 ten response, including any evidence, statements and proposed witnesses
22 relating to the activities cited as an alleged violation of law. The
23 commission shall, within fourteen days after a complaint is received or
24 a review is commenced on the commission's own initiative, vote on wheth-
25 er a substantial basis exists to conclude that an individual has

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

LBD11426-01-5

1 violated the law of this state. If at least seven members of the commis-
2 sion vote in favor of the existence of a substantial basis, a full
3 investigation of the matter by the attorney general shall be authorized.

4 3. Upon the vote of at least seven members of the commission that a
5 substantial basis exists to conclude that an individual has violated the
6 law of this state, the commission shall authorize a full investigation
7 by the attorney general. Written notice of such authorization shall
8 immediately be provided to the attorney general along with a report
9 detailing the review by the commission. If the commission determines at
10 any stage that there is no violation or that any potential violation has
11 been rectified, it shall advise the individual and the complainant, if
12 any, in writing within five days of such decision.

13 4. The jurisdiction of the commission when acting pursuant to this
14 section shall continue notwithstanding that a statewide elected official
15 or a state officer or employee or member of the legislature or legisla-
16 tive employee separates from state service or a candidate ceases to be a
17 candidate, provided that the commission notifies such individual of the
18 alleged violation of law within one year from their separation from
19 state service or their termination of candidacy.

20 5. The commission shall consist of thirteen members who shall possess
21 knowledge or experience in criminal law or law enforcement and who shall
22 be appointed as follows: five members shall be appointed by the tempo-
23 rary president of the senate, four members shall be appointed by the
24 speaker of the assembly, two members shall be appointed by the minority
25 leader of the senate and two members shall be appointed by the minority
26 leader of the assembly.

27 6. Members of the commission shall receive a per diem allowance for
28 each day spent in the performance of their duties under this article,
29 and, in addition thereto, shall be reimbursed for all reasonable
30 expenses actually and necessarily incurred by such member in the
31 performance of their duties under this section.

32 7. Members of the commission shall serve for terms of five years. Any
33 vacancy occurring on the commission shall be filled within thirty days
34 of its occurrence in the same manner as the member whose vacancy is
35 being filled was appointed. A person appointed to fill a vacancy occur-
36 ring other than by expiration of a term of office shall be appointed for
37 the unexpired term of the member they succeed.

38 8. The commission shall have jurisdiction to investigate but shall
39 have no jurisdiction to impose penalties for any violation of the law of
40 this state.

41 9. To effectuate the purposes of this section, the commission may
42 request and shall receive from the department and any other agency,
43 department, division, board, bureau or commission of the state, or any
44 political subdivision thereof, such assistance, information and data as
45 will enable the commission to properly carry out its powers and duties
46 as described in this section.

47 § 2. Subdivision 3 of section 63 of the executive law, as amended by
48 chapter 155 of the laws of 2012, is amended to read as follows:

49 3. Upon request of the governor, comptroller, secretary of state,
50 commissioner of transportation, superintendent of financial services,
51 commissioner of taxation and finance, commissioner of motor vehicles, or
52 the state inspector general, or the head of any other department,
53 authority, division or agency of the state, or upon authorization by the
54 commission on public officer investigation created pursuant to section
55 63-e of this article, investigate the alleged commission of any indicta-
56 ble offense or offenses in violation of the law which the officer making

1 the request is especially required to execute or in relation to any
2 matters connected with such department, and [~~to~~] prosecute the person or
3 persons believed to have committed the same and any crime or offense
4 arising out of such investigation or prosecution or both, including but
5 not limited to appearing before and presenting all such matters to a
6 grand jury.

7 § 3. Subdivision 8 of section 63 of the executive law, as amended by
8 chapter 451 of the laws of 1977, is amended to read as follows:

9 8. Whenever in [~~his~~] their judgment the public interest requires it,
10 the attorney-general may, with the approval of the governor, and when
11 directed by the governor or the commission on public officer investi-
12 gation created pursuant to section 63-e of this article, shall, inquire
13 into matters concerning the public peace, public safety and public
14 justice. For such purpose [~~he~~] the attorney-general may, in [~~his~~] their
15 discretion, and without civil service examination, appoint and employ,
16 and at pleasure remove, such deputies, officers and other persons as [~~he~~
17 deems] they deem necessary, determine their duties and, with the
18 approval of the governor, fix their compensation. All appointments made
19 pursuant to this subdivision shall be immediately reported to the gover-
20 nor, and shall not be reported to any other state officer or department.
21 Payments of salaries and compensation of officers and employees and of
22 the expenses of the inquiry shall be made out of funds provided by the
23 legislature for such purposes, which shall be deposited in a bank or
24 trust company in the names of the governor and the attorney-general,
25 payable only on the draft or check of the attorney-general, counter-
26 signed by the governor, and such disbursements shall be subject to no
27 audit except by the governor and the attorney-general. The attorney-gen-
28 eral, [~~his~~] their deputy, or other officer, designated by [~~him~~] the
29 attorney-general, is empowered to subpoena witnesses, compel their
30 attendance, examine them under oath before [~~himself~~] themselves or a
31 magistrate and require that any books, records, documents or papers
32 relevant or material to the inquiry be turned over to [~~him~~] them for
33 inspection, examination or audit, pursuant to the civil practice law and
34 rules. If a person subpoenaed to attend upon such inquiry fails to obey
35 the command of a subpoena without reasonable cause, or if a person in
36 attendance upon such inquiry shall, without reasonable cause, refuse to
37 be sworn or to be examined or to answer a question or to produce a book
38 or paper, when ordered so to do by the officer conducting such inquiry,
39 [~~he~~] such person shall be guilty of a misdemeanor. It shall be the duty
40 of all public officers, their deputies, assistants and subordinates,
41 clerks and employees, and all other persons, to render and furnish to
42 the attorney-general, [~~his~~] their deputy or other designated officer,
43 when requested, all information and assistance in their possession and
44 within their power. Each deputy or other officer appointed or designated
45 to conduct such inquiry shall make a weekly report in detail to the
46 attorney-general, in form to be approved by the governor and the attor-
47 ney-general, which report shall be in duplicate, one copy of which shall
48 be forthwith, upon its receipt by the attorney-general, transmitted by
49 [~~him~~] them to the governor. Any officer participating in such inquiry
50 and any person examined as a witness upon such inquiry who shall
51 disclose to any person other than the governor or the attorney-general
52 the name of any witness examined or any information obtained upon such
53 inquiry, except as directed by the governor or the attorney-general,
54 shall be guilty of a misdemeanor.

55 § 4. This act shall take effect immediately.