STATE OF NEW YORK

1291

2025-2026 Regular Sessions

IN SENATE

January 9, 2025

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to the appointment of a special independent counsel

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

Section 1. Subdivision 2 of section 70-b of the executive law, as added by chapter 95 of the laws of 2020, is amended to read as follows:

2. **(a)** The attorney general has investigative authority and criminal jurisdiction under this section at the time of the death of the person and the attorney general retains investigative authority and criminal jurisdiction over the incident unless the attorney general determines that such incident does not meet the requirements of this section. If the attorney general determines the incident does not meet the requirements for the attorney general to have investigative authority and criminal jurisdiction pursuant to this section, the attorney general shall, as soon as practicable, provide written notice of such determination to the district attorney for the county in which the incident occurred.

(b) In instances involving alleged criminal offense or offenses committed by a person, whether or not formally on duty, who is a peace officer as defined in section 2.10 of the criminal procedure law and employed or contracted by a corrections agency, or is a peace officer as defined in subdivision twenty-five of section 2.10 of the criminal procedure law, concerning any incident in which the death of a person, whether in custody or not, is caused by an act or omission of such peace officer, the attorney general shall have the authority to transfer the investigatory authority and criminal jurisdiction under this section to an individual or individuals independent of the office of the attorney general. Such individual or individuals shall be a lawyer with a reputation for integrity and impartial decision making, and with appropriate experience to ensure both that the investigation will be conducted ably,

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

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expeditiously and thoroughly. For the purposes of such transfer of investigatory authority and criminal jurisdiction, such individual or individuals shall have the same powers and authority as the deputy attorney general for special investigation, as provided under this section.

§ 2. This act shall take effect immediately.