



NEW YORK STATE SENATOR

Todd Kaminsky

Sen. Kaminsky Introduces Bill Empowering AG To Commence Criminal Investigations Without Referral

TODD KAMINSKY March 1, 2021

| ISSUE: **CRIMINAL INVESTIGATIONS**

(Albany, New York) — Today, Senator Todd Kaminsky, a former federal prosecutor, unveiled legislation to grant the New York Attorney General the authority to independently pursue investigations and conduct prosecutions without permission or interference (S.5260). Current law states that the AG cannot launch an investigation without a referral. Further, even when a referral is made, the Governor retains influence over an AG investigation, since the law requires the Governor to receive status updates and to approve funds meant to finance the investigation.

“The Attorney General must be empowered to conduct investigations and prosecutions without fear and favor, no matter the subject,” said Senator Kaminsky, the former Deputy Chief of the Public Integrity Section of the US Attorney’s Office for the Eastern District of NY. “Removing the requirement of a referral will untie the hands of the Attorney General — and the vast resources of that office can help check corruption and other illegal behavior that plagues Albany and the rest of the state. The time to act is now and the public’s trust and the integrity of our government demand nothing less.”

“Recent events have revealed serious flaws in the oversight of the executive branch,” said Assemblymember Monica Wallace. “If the Attorney General believes an investigation of the

Governor is warranted, she shouldn't need to wait for permission from him to do so. This legislation would fix the issue by allowing the Attorney General to conduct an investigation on her own, without executive permission and oversight, whenever she in good faith believes an investigation is appropriate."

Before serving in the State Legislature, Kaminsky worked as a prosecutor for a decade, initially handling domestic abuse cases at the Queens County District Attorney's Office and later as an Assistant United States Attorney at the US Attorney's Office for the Eastern District of New York (EDNY), where he prosecuted corrupt officials who abused the powers of their office. Kaminsky's successful prosecutions include former State Senate Majority Leader Pedro Espada and Congressman Michael Grimm.

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RELATED LEGISLATION

2021-S5260

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- ◦ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
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Relates to expanding the authority of the attorney general to investigate violations of the public officers law

March 01, 2021

In Senate Committee Investigations and Government Operations

Sponsored by Todd Kaminsky

Do you support this bill?