

STATE OF NEW YORK

7323

2017-2018 Regular Sessions

IN ASSEMBLY

April 24, 2017

Introduced by M. of A. TITONE, CUSICK, GOTTFRIED, DILAN, SOLAGES, WALKER, SEPULVEDA, BARRON, COOK, PICHARDO, ARROYO, STECK, PERRY, TITUS, BLAKE, MOSLEY, WEPRIN, GALEF, PAULIN, COLTON, ABINANTI, AUBRY -- Multi-Sponsored by -- M. of A. DenDEKKER, LAWRENCE, SIMON, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the penal law, in relation to the disclosure of information attending grand jury proceedings

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

1 Section 1. Paragraph (a) of subdivision 4 of section 190.25 of the
2 criminal procedure law, as amended by chapter 677 of the laws of 1985,
3 is amended and a new paragraph (c) is added to read as follows:

4 (a) Grand jury proceedings are secret, and no grand juror, or other
5 person, except the district attorney, specified in subdivision three of
6 this section or section 215.70 of the penal law, may, except in the
7 lawful discharge of his or her duties or upon written order of the
8 court, disclose the nature or substance of any grand jury testimony,
9 evidence, or any decision, result or other matter attending a grand jury
10 proceeding. For the purpose of assisting the grand jury in conducting
11 its investigation, evidence obtained by a grand jury may be independent-
12 ly examined by the district attorney, members of his or her staff,
13 police officers specifically assigned to the investigation, and such
14 other persons as the court may specifically authorize. [~~Such evidence
15 may not be disclosed to other persons without a court order.~~] The
16 district attorney may disclose the nature or substance of any grand jury
17 testimony, evidence, or any decision, result or other matter attending a
18 grand jury proceeding in the interest of justice based on a valid writ-
19 ten request. Nothing contained herein shall prohibit a witness from
20 disclosing his or her own testimony.

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

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1 (c) When a district attorney discloses the nature or substance of any
2 grand jury testimony, evidence, or any decision, result or other matter
3 attending a grand jury proceeding, he or she shall redact the names of
4 the grand jurors, the names of any witnesses appearing before the grand
5 jury, any evidence that may imperil the health or safety of any grand
6 juror or witness appearing before the grand jury, any evidence that may
7 identify any grand juror or witness appearing before the grand jury, any
8 information that could impact any current or ongoing investigation, and
9 any other information in the interest of public safety.

10 § 2. Section 215.70 of the penal law, as amended by chapter 843 of the
11 laws of 1980, is amended to read as follows:

12 § 215.70 Unlawful grand jury disclosure.

13 A person is guilty of unlawful grand jury disclosure when, being a
14 grand juror, [~~a public prosecutor,~~] a grand jury stenographer, a grand
15 jury interpreter, a police officer or a peace officer guarding a witness
16 in a grand jury proceeding, or a clerk, attendant, warden or other
17 public servant having official duties in or about a grand jury room or
18 proceeding, or a public officer or public employee, he or she inten-
19 tionally discloses to another the nature or substance of any grand jury
20 testimony, or any decision, result or other matter attending a grand
21 jury proceeding which is required by law to be kept secret, except in
22 the proper discharge of his or her official duties or upon written order
23 of the court. Nothing contained herein shall prohibit a witness from
24 disclosing his own testimony.

25 Unlawful grand jury disclosure is a class E felony.

26 § 3. This act shall take effect immediately.