STATE OF NEW YORK

7936

2025-2026 Regular Sessions

IN ASSEMBLY

April 16, 2025

Introduced by M. of A. ROMERO, WALKER -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to challenges to or questions related to certificates of compliance

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

Section 1. Section 245.50 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows:

5. In rendering a decision on a motion filed pursuant to paragraph (a) of subdivision four of this section, the court must evaluate whether the prosecution has established that the certificate of compliance or supplemental certificate of compliance was filed in good faith after exercising due diligence and making reasonable inquiries to learn of the discovery required by subdivision one of section 245.20 of this article. For purposes of this article, relevant factors for assessing due diligence include, but are not limited to: the efforts made by the prosecution to comply with the requirements of this article, the timing of the prosecution's efforts, the volume of discovery provided and volume of outstanding discovery, the complexity of the case, how obvious any missing material would likely have been to a reasonable prosecutor after reviewing the case and other materials disclosed, the explanation for any discovery lapse, and the prosecution's response when apprised of any missing discovery. The prosecution's efforts shall not be deemed reasonable or diligent if the prosecution has not performed its duties to evaluate and disclose evidence under the state and federal constitutions.

§ 2. This act shall take effect immediately.

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

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