STATE OF NEW YORK

825

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

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

AN ACT to amend the criminal procedure law, in relation to giving prosecutors' offices access to law enforcement records for discovery purposes

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

Section 1. Legislative intent. The legislature enacted reforms of the discovery process in two thousand twenty to enhance transparency and fairness in criminal proceedings by ensuring that defendants have timely access to the evidence against them. However, the implementation of these reforms has placed significant burdens on both district attorneys' offices and law enforcement agencies, which must meet tight deadlines for the collection and disclosure of vast amounts of records. The effects of this burden are exacerbated by the current lack of direct access by district attorneys' offices to law enforcement evidence systems, forcing prosecutors to rely on a manual and delayed process for obtaining critical materials.

To address these challenges, this act seeks to improve the efficiency of the discovery process by granting district attorneys' offices direct access to law enforcement records and databases related to the subject matter of criminal cases. This access will help alleviate delays, reduce the administrative burden on both prosecutors and law enforcement, and ensure that cases are resolved based on their merits rather than procedural failures. By allowing staff in district attorneys' offices to directly retrieve records, the act also aims to return police officers to their core responsibilities of maintaining public safety.

The legislature finds that these reforms will promote the timely and fair resolution of criminal cases, advancing the interests of justice for both defendants and the public at large.

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

LBD00487-02-5

§ 2. Section 245.20 of the criminal procedure law is amended by adding a new subdivision 8 to read as follows:

8. Prosecutor access to law enforcement materials. (a) Each district attorney's office shall have access to all electronic record systems including but not limited to documents, audio files, and video files, containing information related to the subject matter of a criminal case, or information that a court has ordered the prosecutor to disclose to the defense, of every police department or agency certified in accordance with paragraph (d) of subdivision one of section eight hundred forty-six-h of the executive law that operates within the county of such district attorney.

(b) Every police department or agency shall issue no fewer than one login credential to each district attorney's office with access to such department's or agency's computer system pursuant to paragraph (a) of this subdivision and shall issue no fewer than one additional login credential for every twenty thousand residents of the county as determined by the most recent federal census. The credentials issued may restrict the user to viewing, printing, downloading, or otherwise saving the materials accessed with no ability to generate, edit, or delete any documents, and may restrict a district attorney's office's access to materials related to the subject matter of an actual case.

(c) The login credentials issued pursuant to paragraph (b) of this subdivision shall grant access to all electronic files maintained in the department's or agency's computer systems for every case brought to the district attorney's office to include, but not be limited to, all documents required for full compliance with this article.

(d) All departments and agencies with one hundred thousand or more individuals living in the area over which such department or agency has jurisdiction shall provide the relevant district attorney's office or offices with access to such computer systems within the physical location of such district attorney's office or offices. All departments and agencies with fewer than one hundred thousand individuals living in the area over which such department or agency has jurisdiction shall provide the relevant district attorney's office or offices with access to such computer systems in an easily accessible police precinct.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.