S T A T E O F N E W Y O R K

1708

2009-2010 Regular Sessions

I N A S S E M B L Y

January 9, 2009

Introduced by M. of A. ENGLEBRIGHT, ABBATE -- Multi-Sponsored by -- M. of A. BRENNAN, CAHILL, CLARK, COLTON, COOK, CYMBROWITZ, DIAZ, EDDINGTON, GABRYSZAK, GALEF, GOTTFRIED, GUNTHER, JACOBS, JOHN, KOON, MAGEE, MAYERSOHN, PHEFFER, J. RIVERA, P. RIVERA, TOWNS, WEISENBERG, WRIGHT -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to permitting a social worker or other professional to provide emotional support to a vulnerable elderly person testifying in certain grand jury proceedings

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 3 of section 190.25 of the criminal procedure law is amended by adding a new paragraph (i) to read as follows:

(I) A SOCIAL WORKER, RAPE CRISIS COUNSELOR, PSYCHOLOGIST OR OTHER PROFESSIONAL PROVIDING EMOTIONAL SUPPORT TO A VULNERABLE ELDERLY PERSON, AS THAT TERM IS DEFINED IN SUBDIVISION THREE OF SECTION 260.30 OF THE PENAL LAW, AS ADDED BY CHAPTER THREE HUNDRED EIGHTY-ONE OF THE LAWS OF NINETEEN HUNDRED NINETY-EIGHT, WHO IS CALLED TO GIVE EVIDENCE IN A GRAND JURY PROCEEDING, CONCERNING ANY TYPE OF OFFENSE, PROVIDED THAT THE DISTRICT ATTORNEY CONSENTS. SUCH SUPPORT PERSON SHALL NOT PROVIDE THE WITNESS WITH AN ANSWER TO ANY QUESTION OR OTHERWISE PARTICIPATE IN SUCH PROCEEDING AND SHALL FIRST TAKE AN OATH BEFORE THE GRAND JURY THAT HE OR SHE WILL KEEP SECRET ALL MATTERS BEFORE SUCH GRAND JURY WITHIN HIS OR HER KNOWLEDGE.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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