

4436

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. FARRELL -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to compiling statistics on court witnesses that have been threatened, attacked or killed

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

1 Section 1. The executive law is amended by adding a new section 837-s  
2 to read as follows:  
3 S 837-S. REPORT OF THREATS AND ATTACKS AGAINST WITNESSES IN COURT  
4 PROCEEDINGS. 1. ON OR BEFORE JANUARY FIFTEENTH OF EACH YEAR, EVERY CHIEF  
5 OF A POLICE DEPARTMENT, EVERY COUNTY SHERIFF AND THE SUPERINTENDENT OF  
6 STATE POLICE SHALL SUBMIT A REPORT TO THE DIVISION OF EVERY THREAT,  
7 ATTACK OR DEATH OF A WITNESS IN A COURT PROCEEDING INVESTIGATED BY HIS  
8 OR HER LAW ENFORCEMENT AGENCY DURING THE PREVIOUS CALENDAR YEAR. EACH  
9 SUCH REPORT SHALL INCLUDE SUCH INFORMATION AS THE DIVISION SHALL REQUIRE  
10 INCLUDING, BUT NOT LIMITED TO, WHETHER THE THREAT, ATTACK OR DEATH WAS  
11 COMMITTED BY A PERSON WHO WAS A PARTY TO THE COURT PROCEEDING THE  
12 WITNESS TESTIFIED IN, OR WAS TO HAVE TESTIFIED IN OR BY A PERSON ASSOCI-  
13 ATED WITH A PERSON WHO WAS A PARTY TO THE COURT PROCEEDING THE WITNESS  
14 TESTIFIED IN, OR WAS TO HAVE TESTIFIED IN, AND THE COUNTY AND CITY WHERE  
15 THE THREAT, ATTACK OR DEATH OCCURRED.  
16 2. ON OR BEFORE MARCH FIRST EACH YEAR, THE DIVISION SHALL COMPILE INTO  
17 A SINGLE STATEWIDE REPORT ALL THE REPORTS RECEIVED FOR THE PREVIOUS  
18 CALENDAR YEAR, PURSUANT TO SUBDIVISION ONE OF THIS SECTION. SUCH REPORT  
19 SHALL BE SUBMITTED TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE  
20 AND THE SPEAKER OF THE ASSEMBLY. THE REPORT REQUIRED BY THIS SUBDIVISION  
21 SHALL INCLUDE THE NUMBER OF THREATS, ATTACKS AND DEATHS COMMITTED  
22 AGAINST WITNESSES IN COURT PROCEEDINGS STATEWIDE AND IN EACH CITY AND  
23 COUNTY, AS WELL AS WHETHER OR NOT THE THREAT, ATTACK OR DEATH WAS  
24 COMMITTED BY A PERSON WHO WAS A PARTY TO THE COURT PROCEEDING THE  
25 WITNESS TESTIFIED IN, OR WAS TO HAVE TESTIFIED IN OR BY A PERSON ASSOCI-

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

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1 ATED WITH A PERSON WHO WAS A PARTY TO THE COURT PROCEEDING THE WITNESS  
2 TESTIFIED IN, OR WAS TO HAVE TESTIFIED IN.

3 S 2. This act shall take effect on the one hundred twentieth day after  
4 it shall have become a law, provided that any procedures, rules and/or  
5 regulations necessary to implement the provisions of this act on its  
6 effective date are authorized and directed to be completed on or before  
7 such date.