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

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:

Section 1. The executive law is amended by adding a new section 837-s to read as follows:

S 837-S. REPORT OF THREATS AND ATTACKS AGAINST WITNESSES IN COURT PROCEEDINGS. 1. ON OR BEFORE JANUARY FIFTEENTH OF EACH YEAR, EVERY CHIEF OF A POLICE DEPARTMENT, EVERY COUNTY SHERIFF AND THE SUPERINTENDENT OF STATE POLICE SHALL SUBMIT A REPORT TO THE DIVISION OF EVERY THREAT, ATTACK OR DEATH OF A WITNESS IN A COURT PROCEEDING INVESTIGATED BY HIS OR HER LAW ENFORCEMENT AGENCY DURING THE PREVIOUS CALENDAR YEAR. EACH SUCH REPORT SHALL INCLUDE SUCH INFORMATION AS THE DIVISION SHALL REQUIRE INCLUDING, BUT NOT LIMITED TO, WHETHER THE THREAT, ATTACK OR DEATH WAS COMMITTED BY A PERSON WHO WAS A PARTY TO THE COURT PROCEEDING THE WITNESS TESTIFIED IN, OR WAS TO HAVE TESTIFIED IN OR BY A PERSON ASSOCIATED WITH A PERSON WHO WAS A PARTY TO THE COURT PROCEEDING THE WITNESS TESTIFIED IN, OR WAS TO HAVE TESTIFIED IN, AND THE COUNTY AND CITY WHERE THE THREAT, ATTACK OR DEATH OCCURRED.

2. ON OR BEFORE MARCH FIRST EACH YEAR, THE DIVISION SHALL COMPILE INTO A SINGLE STATEWIDE REPORT ALL THE REPORTS RECEIVED FOR THE PREVIOUS CALENDAR YEAR, PURSUANT TO SUBDIVISION ONE OF THIS SECTION. SUCH REPORT SHALL BE SUBMITTED TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY. THE REPORT REQUIRED BY THIS SUBDIVISION SHALL INCLUDE THE NUMBER OF THREATS, ATTACKS AND DEATHS COMMITTED AGAINST WITNESSES IN COURT PROCEEDINGS STATEWIDE AND IN EACH CITY AND COUNTY, AS WELL AS WHETHER OR NOT THE THREAT, ATTACK OR DEATH WAS COMMITTED BY A PERSON WHO WAS A PARTY TO THE COURT PROCEEDING THE 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.

LBD01985-01-9

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

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