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

209

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PHEFFER, KOON, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, MAGEE, TOWNS -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the civil rights law, in relation to confidentiality of victims' and witnesses' addresses and telephone numbers during a trial or hearing related to a criminal prosecution

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

Section 1. The civil rights law is amended by adding a new section 50-f to read as follows:

S 50-F. CONFIDENTIALITY OF VICTIM AND WITNESS ADDRESS AND TELEPHONE NUMBER DURING A TRIAL OR HEARING RELATED TO A CRIMINAL PROSECUTION. DURING A TRIAL OR HEARING RELATED TO A CRIMINAL PROSECUTION, THE COURT SHALL REQUIRE THAT THE RESIDENCE ADDRESS AND TELEPHONE NUMBER AND THE PLACE OF BUSINESS NAME, ADDRESS AND TELEPHONE NUMBER OF ANY VICTIM OF OR WITNESS TO THE CRIME SHALL NOT BE DISCLOSED IN OPEN COURT, AND THAT SUCH VICTIM OR WITNESS SHALL NOT BE REQUIRED TO PROVIDE THE RESIDENCE OR PLACE OF BUSINESS NAME, ADDRESS OR TELEPHONE NUMBER AND THE PLACE OF BUSINESS NAME, ADDRESS AND TELEPHONE NUMBER OF ANY VICTIM OR WITNESS TO THE CRIME IN RESPONSE TO DEFENSE OR PROSECUTION QUESTIONING, UNLESS THE COURT DETERMINES THAT THERE IS A CLEAR NEED FOR SUCH DISCLOSURE BECAUSE THE INFORMATION IS NECESSARY AND RELEVANT TO THE FACTS OF THE CASE OR TO THE CREDIBILITY OF THE WITNESS. THE BURDEN TO ESTABLISH THE NEED AND RELEVANCE FOR DISCLOSURE SHALL BE ON THE DEFENSE OR THE PARTY SEEKING DISCLOSURE.

S 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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