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

5118

2011-2012 Regular Sessions

I N A S S E M B L Y

February 11, 2011

Introduced by M. of A. OAKS, KOLB, McDONOUGH, MALLIOTAKIS, MONTESANO, SALADINO -- Multi-Sponsored by -- M. of A. BARCLAY, BUTLER, CALHOUN, CORWIN, DUPREY, FINCH, FITZPATRICK, JORDAN, McLAUGHLIN, J. MILLER, MOLINARO, PALMESANO, RABBITT, SAYWARD -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to grand jury proceedings and operation

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

Section 1. Paragraph (h) of subdivision 3 of section 190.25 of the criminal procedure law, as amended by chapter 405 of the laws of 2010, is amended to read as follows:

(h) A social worker, rape crisis counselor, psychologist [or other], professional [providing] *OR OTHER PERSON TO WHOM A CHILD WITNESS HAS INITIALLY DISCLOSED EVIDENCE CONCERNING A CRIME AS DEFINED IN THIS PARAGRAPH, AND WHO PROVIDES* emotional support to a child witness twelve years old or younger who is called to give evidence in a grand jury proceeding concerning a crime defined in article one hundred twenty-one, article one hundred thirty, article two hundred sixty, section 120.10, 125.10, 125.15, 125.20, 125.25, 125.26, 125.27, 255.25, 255.26 or 255.27 of the penal law 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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