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

3390--A

2015-2016 Regular Sessions

I N S E N A T E

February 6, 2015

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law, in relation to proceedings to review adverse determinations relating to access to records

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

Section 1. Paragraph (d) of subdivision 5 of section 89 of the public officers law, as amended by chapter 339 of the laws of 2004, is amended to read as follows:

(d) A proceeding to review an adverse determination pursuant to paragraph (c) of this subdivision may be commenced pursuant to article seventy-eight of the civil practice law and rules. Such proceeding, when brought by a person seeking an exception from disclosure pursuant to this subdivision, must be commenced within fifteen days of the service of the written notice containing the adverse determination provided for in subparagraph two of paragraph (c) of this subdivision. THE PROCEEDING SHALL BE GIVEN PREFERENCE AND SHALL BE BROUGHT ON FOR ARGUMENT ON SUCH TERMS AND CONDITIONS AS THE PRESIDING JUSTICE MAY DIRECT, NOT TO EXCEED FORTY-FIVE DAYS. APPEAL TO THE APPELLATE DIVISION OF THE SUPREME COURT MUST BE MADE IN ACCORDANCE WITH LAW, AND MUST BE FILED WITHIN FIFTEEN DAYS AFTER SERVICE BY A PARTY UPON THE APPELLANT OF A COPY OF THE JUDGMENT OR ORDER APPEALED FROM AND WRITTEN NOTICE OF ITS ENTRY. AN APPEAL TAKEN FROM AN ORDER OF THE COURT REQUIRING DISCLOSURE SHALL BE GIVEN PREFERENCE AND SHALL BE BROUGHT ON FOR ARGUMENT ON SUCH TERMS AND CONDITIONS AS THE PRESIDING JUSTICE MAY DIRECT, NOT TO EXCEED SIXTY DAYS. THIS ACTION SHALL BE DEEMED ABANDONED WHEN THE PARTY REQUESTING AN EXCLUSION FROM DISCLOSURE FAILS TO SERVE AND FILE A RECORD AND BRIEF

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

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WITHIN THIRTY DAYS AFTER THE DATE OF THE NOTICE OF APPEAL. FAILURE BY THE PARTY REQUESTING AN EXCLUSION FROM DISCLOSURE TO SERVE AND FILE A RECORD AND BRIEF WITHIN THE ALLOTTED TIME SHALL RESULT IN THE DISMISSAL OF THE APPEAL.

S 2. This act shall take effect immediately.