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

10049

I N A S S E M B L Y

May 6, 2016

Introduced by M. of A. SCHIMMINGER -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to permitting support to a vulnerable elderly person testifying in grand jury proceedings

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 347 of the laws of 2014, is amended and a new paragraph (i) is added to read as follows:

(h) A social worker, rape crisis counselor, psychologist or other professional providing emotional support to a child witness twelve years old or younger[, or a social worker or informal caregiver, as provided in subdivision two of section two hundred six of the elder law, for a vulnerable elderly person as provided in subdivision three of section 260.31 of the penal law,] 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.

(I) A SOCIAL WORKER OR INFORMAL CAREGIVER, AS DEFINED IN SUBDIVISION TWO OF SECTION TWO HUNDRED SIX OF THE ELDER LAW, FOR A VULNERABLE ELDERLY PERSON AS DEFINED IN SUBDIVISION THREE OF SECTION 260.31 OF THE PENAL LAW, AS ADDED BY CHAPTER THREE HUNDRED EIGHTY-ONE OF THE LAWS OF NINETEEN HUNDRED NINETY-EIGHT, WHO IS CALLED TO GIVE EVIDENCE IN A GRAND JURY PROCEEDING, CONCERNING ANY TYPE OF OFFENSE, 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 immediately.

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

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