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

8084

2015-2016 Regular Sessions

I N A S S E M B L Y

June 5, 2015

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

AN ACT to amend the criminal procedure law, in relation to grand jury instructions

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

Section 1. Subdivision 6 of section 190.25 of the criminal procedure law is amended to read as follows:

6. (A) The legal advisors of the grand jury are the court and the district attorney, and the grand jury may not seek or receive legal advice from any other source. Where necessary or appropriate, the court or the district attorney, or both, must instruct the grand jury concerning the law with respect to its duties or any matter before it, and such instructions must be recorded in the minutes.

(B) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION FOUR OF THIS SECTION, IN ANY PROCEEDING BEFORE A GRAND JURY THAT INVOLVES THE SUBMISSION OF A CRIMINAL CHARGE OR CHARGES AGAINST A PERSON OR PERSONS FOR AN ACT OR ACTS THAT OCCURRED AT A TIME WHEN SUCH PERSON WAS A POLICE OFFICER OR PEACE OFFICER AND THAT CONCERN THE DEATH OF ANY PERSON THAT RESULTED FROM OR POTENTIALLY RESULTED FROM INJURIES THAT OCCURRED OR MAY HAVE OCCURRED AS A RESULT OF ANY ENCOUNTER WITH SUCH POLICE OFFICER OR PEACE OFFICER, FOLLOWING FINAL ACTION BY THE GRAND JURY ON SUCH CHARGE OR CHARGES, THE COURT SHALL MAKE THE LEGAL INSTRUCTIONS AND CHARGES SUBMITTED TO SUCH GRAND JURY AVAILABLE TO THE PUBLIC ON REQUEST, PROVIDED THAT THE NAMES OF WITNESSES AND ANY INFORMATION THAT WOULD IDENTIFY SUCH WITNESSES INCLUDED IN SUCH LEGAL INSTRUCTIONS OR CHARGES SHALL BE REDACTED WHEN THE COURT DETERMINES, IN A WRITTEN ORDER RELEASED TO THE PUBLIC, AND ISSUED AFTER NOTICE TO THE PEOPLE AND THE REQUESTER AND AN OPPORTUNITY TO BE HEARD AND REASONABLE EFFORTS TO NOTIFY AND PROVIDE AN OPPORTUNITY TO BE HEARD TO ANY OTHER APPROPRIATE PERSON OR AGENCY, THAT THERE IS A REASONABLE LIKELIHOOD THAT PUBLIC RELEASE OF SUCH INFORMATION WOULD ENDANGER ANY INDIVIDUAL.

S 2. This act shall take effect immediately.

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

LBD11462-02-5