

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:

1 Section 1. Paragraph (d) of subdivision 5 of section 89 of the public
2 officers law, as amended by chapter 339 of the laws of 2004, is amended
3 to read as follows:
4 (d) A proceeding to review an adverse determination pursuant to para-
5 graph (c) of this subdivision may be commenced pursuant to article
6 seventy-eight of the civil practice law and rules. Such proceeding, when
7 brought by a person seeking an exception from disclosure pursuant to
8 this subdivision, must be commenced within fifteen days of the service
9 of the written notice containing the adverse determination provided for
10 in subparagraph two of paragraph (c) of this subdivision. THE PROCEEDING
11 SHALL BE GIVEN PREFERENCE AND SHALL BE BROUGHT ON FOR ARGUMENT ON SUCH
12 TERMS AND CONDITIONS AS THE PRESIDING JUSTICE MAY DIRECT, NOT TO EXCEED
13 FORTY-FIVE DAYS. APPEAL TO THE APPELLATE DIVISION OF THE SUPREME COURT
14 MUST BE MADE IN ACCORDANCE WITH LAW, AND MUST BE FILED WITHIN FIFTEEN
15 DAYS AFTER SERVICE BY A PARTY UPON THE APPELLANT OF A COPY OF THE JUDG-
16 MENT OR ORDER APPEALED FROM AND WRITTEN NOTICE OF ITS ENTRY. AN APPEAL
17 TAKEN FROM AN ORDER OF THE COURT REQUIRING DISCLOSURE SHALL BE GIVEN
18 PREFERENCE AND SHALL BE BROUGHT ON FOR ARGUMENT ON SUCH TERMS AND CONDI-
19 TIONS AS THE PRESIDING JUSTICE MAY DIRECT, NOT TO EXCEED SIXTY DAYS.
20 THIS ACTION SHALL BE DEEMED ABANDONED WHEN THE PARTY REQUESTING AN
21 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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1 WITHIN THIRTY DAYS AFTER THE DATE OF THE NOTICE OF APPEAL. FAILURE BY
2 THE PARTY REQUESTING AN EXCLUSION FROM DISCLOSURE TO SERVE AND FILE A
3 RECORD AND BRIEF WITHIN THE ALLOTTED TIME SHALL RESULT IN THE DISMISSAL
4 OF THE APPEAL.

5 S 2. This act shall take effect immediately.