STATE OF NEW YORK

7323

2017-2018 Regular Sessions

IN ASSEMBLY

April 24, 2017

Introduced by M. of A. TITONE, CUSICK, GOTTFRIED, DILAN, SOLAGES, WALKER, SEPULVEDA, BARRON, COOK, PICHARDO, ARROYO, STECK, PERRY, TITUS, BLAKE, MOSLEY, WEPRIN, GALEF, PAULIN, COLTON, ABINANTI, AUBRY -- Multi-Sponsored by -- M. of A. DenDEKKER, LAWRENCE, SIMON, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the penal law, in relation to the disclosure of information attending grand jury proceedings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision 4 of section 190.25 of the criminal procedure law, as amended by chapter 677 of the laws of 1985, is amended and a new paragraph (c) is added to read as follows:

(a) Grand jury proceedings are secret, and no grand juror, or other person**, except the district attorney,** specified in subdivision three of this section or section 215.70 of the penal law, may, except in the lawful discharge of his **or her** duties or upon written order of the court, disclose the nature or substance of any grand jury testimony, evidence, or any decision, result or other matter attending a grand jury proceeding. For the purpose of assisting the grand jury in conducting its investigation, evidence obtained by a grand jury may be independently examined by the district attorney, members of his **or her** staff, police officers specifically assigned to the investigation, and such other persons as the court may specifically authorize. [~~Such evidence may not be disclosed to other persons without a court order.~~] **The district attorney may disclose the nature or substance of any grand jury testimony, evidence, or any decision, result or other matter attending a grand jury proceeding in the interest of justice based on a valid written request.** Nothing contained herein shall prohibit a witness from disclosing his **or her** own testimony.

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

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(c) When a district attorney discloses the nature or substance of any grand jury testimony, evidence, or any decision, result or other matter attending a grand jury proceeding, he or she shall redact the names of the grand jurors, the names of any witnesses appearing before the grand jury, any evidence that may imperil the health or safety of any grand juror or witness appearing before the grand jury, any evidence that may identify any grand juror or witness appearing before the grand jury, any information that could impact any current or ongoing investigation, and any other information in the interest of public safety.

§ 2. Section 215.70 of the penal law, as amended by chapter 843 of the laws of 1980, is amended to read as follows:

§ 215.70 Unlawful grand jury disclosure.

A person is guilty of unlawful grand jury disclosure when, being a grand juror, [~~a public prosecutor,~~] a grand jury stenographer, a grand jury interpreter, a police officer or a peace officer guarding a witness in a grand jury proceeding, or a clerk, attendant, warden or other public servant having official duties in or about a grand jury room or proceeding, or a public officer or public employee, he **or she** intentionally discloses to another the nature or substance of any grand jury testimony, or any decision, result or other matter attending a grand jury proceeding which is required by law to be kept secret, except in the proper discharge of his **or her** official duties or upon written order of the court. Nothing contained herein shall prohibit a witness from disclosing his own testimony.

Unlawful grand jury disclosure is a class E felony.

§ 3. This act shall take effect immediately.