# STATE OF NEW YORK

5072

2017-2018 Regular Sessions

# IN SENATE

March 6, 2017

Introduced by Sen. LANZA -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to discovery in alcohol and drug-related offenses under the vehicle and traffic law

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

Section 1. The criminal procedure law is amended by adding a new section 240.15 to read as follows:

**§ 240.15 Discovery; open file, limited to prosecutions of alcohol and drug related offenses under the vehicle and traffic law.**

**Within thirty days of the commencement of a criminal action charging a defendant with an offense or offenses the most serious being an offense under article thirty-one of the vehicle and traffic law, all material or written reports or documents in the possession of either the defendant or the prosecutor, not privileged or otherwise protected by rule, statute or other law, shall be exchanged between the defendant and the prosecutor without demand therefore. Such material or written reports or documents received after the expiration of the thirty day period shall be exchanged within five days of receipt. Such material or written reports or documents shall include, but are not limited to, any written report or testimony of a police officer, statements of a defendant, statements, names and addresses of witnesses, any physical examination, scientific tests or experiments, results of laboratory reports or testing reports or any portion thereof.**

§ 2. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to criminal actions commenced on or after such date.

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

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