

STATE OF NEW YORK

7280

IN SENATE

January 15, 2020

Introduced by Sens. TEDISCO, BORRELLO, GALLIVAN, GRIFFO, SEWARD -- 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 ensuring privacy protections for all emergency personnel present at a crime scene

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

1 Section 1. Paragraph (c) of subdivision 1 of section 245.20 of the
2 criminal procedure law, as added by section 2 of part LLL of chapter 59
3 of the laws of 2019, is amended to read as follows:

4 (c) The names and adequate contact information for all persons other
5 than law enforcement personnel, ambulance services or advanced life
6 support first response services, certified first responders, firefight-
7 ers, emergency medical technicians or advanced emergency medical techni-
8 cians, who are employed by or enrolled members of any such service, whom
9 the prosecutor knows to have evidence or information relevant to any
10 offense charged or to any potential defense thereto, including a desig-
11 nation by the prosecutor as to which of those persons may be called as
12 witnesses. Nothing in this paragraph shall require the disclosure of
13 physical addresses; provided, however, upon a motion and good cause
14 shown the court may direct the disclosure of a physical address. Infor-
15 mation under this subdivision relating to a confidential informant may
16 be withheld, and redacted from discovery materials, without need for a
17 motion pursuant to section 245.70 of this article; but the prosecution
18 shall notify the defendant in writing that such information has not been
19 disclosed, unless the court rules otherwise for good cause shown.

20 § 2. Subdivision 4 of section 245.70 of the criminal procedure law, as
21 added by section 2 of part LLL of chapter 59 of the laws of 2019, is
22 amended to read as follows:

23 4. Showing of good cause. In determining good cause under this section
24 the court may consider: constitutional rights or limitations; danger to
25 the integrity of physical evidence or the safety of a witness; risk of
26 intimidation, economic reprisal, bribery, harassment or unjustified

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

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1 annoyance or embarrassment to any person, and the nature, severity and
2 likelihood of that risk; a risk of an adverse effect upon the legitimate
3 needs of law enforcement, ambulance services or advanced life support
4 first response services, certified first responders, firefighters, emer-
5 gency medical technicians or advanced emergency medical technicians, who
6 are employed by or enrolled members of any such service, including the
7 protection of the confidentiality of informants, and the nature, severi-
8 ty and likelihood of that risk; the nature and circumstances of the
9 factual allegations in the case; whether the defendant has a history of
10 witness intimidation or tampering and the nature of that history; the
11 nature of the stated reasons in support of a protective order; the
12 nature of the witness identifying information that is sought to be
13 addressed by a protective order, including the option of employing
14 adequate alternative contact information; danger to any person stemming
15 from factors such as a defendant's substantiated affiliation with a
16 criminal enterprise as defined in subdivision three of section 460.10 of
17 the penal law; and other similar factors found to outweigh the useful-
18 ness of the discovery.

19 § 3. This act shall take effect on the ninetieth day after it shall
20 have become a law.