

STATE OF NEW YORK

9107

IN ASSEMBLY

January 21, 2020

Introduced by M. of A. STEC, WALSH -- read once and referred 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
27 annoyance or embarrassment to any person, and the nature, severity and

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

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

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