

STATE OF NEW YORK

9719

IN ASSEMBLY

March 28, 2022

Introduced by M. of A. BRABENEC -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to grand jury stenographers appointed by the Orange county district attorney

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

1 Section 1. Subdivision i of section 321 of the judiciary law, as added
2 by chapter 93 of the laws of 1974, is amended to read as follows:
3 i. In the county of Orange, it shall be lawful for the district attorney
4 of said county to appoint [~~two~~] **six** stenographers, each of whom
5 shall have authority to take and transcribe the testimony given before
6 the grand juries in said county of Orange, and such appointments shall
7 be in writing under the hand and seal of such district attorney, and
8 shall be filed in the county clerk's office in the county of Orange.
9 § 2. Section 322 of the judiciary law, as amended by chapter 165 of
10 the laws of 2018, is amended to read as follows:
11 § 322. Stenographers to be citizens and residents of county where
12 appointed. Every stenographer appointed under the provisions of this
13 title shall be a citizen and resident of the county in which he is
14 appointed, except that the district attorney of Warren county may
15 appoint a stenographer residing either in the county of Washington or in
16 the county of Saratoga and the district attorney of Hamilton county may
17 appoint a stenographer residing in the county of Fulton and the district
18 attorney of Wyoming county may appoint a stenographer residing either in
19 the county of Genesee or in the county of Livingston and the district
20 attorney of Madison county may appoint a stenographer residing either in
21 the county of Onondaga or in the county of Oneida or in any county in
22 the sixth judicial district and the district attorney of Allegany county
23 may appoint a stenographer residing in the county of Steuben or in any
24 county in the eighth judicial district and the district attorney of
25 Niagara county may appoint a stenographer residing in the county of
26 Erie, Genesee or Orleans and the district attorneys of Chemung, Tioga,
27 Tompkins and Otsego counties may each appoint a stenographer residing in
28 any county in the sixth judicial district and the district attorney of

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

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1 Schoharie county may appoint a stenographer residing in any county in
2 the third judicial district and the district attorney of Washington
3 county may appoint a stenographer residing either in the county of Sara-
4 toga or in the county of Warren and the district attorney of Saratoga
5 county may appoint a stenographer residing in either Schenectady county,
6 or Albany county or Rensselaer county and the district attorneys of
7 Columbia and Greene counties may appoint a stenographer residing in any
8 county of the third judicial district and the district attorneys of
9 Seneca county, Ontario county, Wayne county, Livingston county and Yates
10 county may appoint a stenographer residing in any county of the seventh
11 judicial district and the district attorney of Cayuga county may appoint
12 a stenographer residing in the county of Onondaga, the county of Tomp-
13 kins or in any county of the seventh judicial district and the district
14 attorney of Albany county may appoint a stenographer residing in either
15 Schenectady county or in any county of the third judicial district and
16 the district attorneys of Rockland and Putnam counties may appoint a
17 stenographer residing in any county of the ninth judicial district and
18 the district attorney in Orleans county may appoint a stenographer
19 residing in any county of the eighth judicial district and the several
20 district attorneys within the city of New York may appoint stenographers
21 residing in any county within such city and the district attorneys of
22 Lewis and Oswego counties may appoint a stenographer residing in any
23 county in the fifth judicial district and the district attorney of Chau-
24 tauqua county may appoint a stenographer residing in Erie county and the
25 district attorney of Cattaraugus county may appoint a stenographer
26 residing in any county in the eighth judicial district and the district
27 attorney of Schenectady county may appoint a stenographer residing in
28 either Albany county or in any county of the third judicial district and
29 the district attorney of Jefferson county may appoint a stenographer
30 residing in the county of St. Lawrence, or in any county of the fifth
31 judicial district and the district attorney of Broome county may appoint
32 a stenographer residing in the county of Onondaga or in any county of
33 the sixth judicial district and the district attorney of Orange county
34 may appoint a stenographer residing in Orange county or in any county
35 adjoining Orange county.

36 § 3. Section 327 of the judiciary law, as amended by chapter 585 of
37 the laws of 1979, is amended to read as follows:

38 § 327. Compensation and payment of stenographers. Each stenographer
39 appointed as aforesaid shall receive such compensation for services
40 rendered while engaged in taking testimony before a grand jury, as shall
41 be determined by the board of supervisors or county legislature of the
42 county in which he is appointed, excepting that in the county of New
43 York, such compensation shall be fixed by the board of estimate and
44 apportionment of the city of New York, and such compensation shall not
45 be less than five nor more than ten dollars per day; and in addition
46 thereto such stenographer shall be entitled to and shall be allowed for
47 a copy of testimony furnished to the district attorney the same rate per
48 folio as is prescribed by the civil practice law and rules, and such
49 stenographer shall receive the same compensation for all copies of the
50 evidence in excess of three copies, furnished by him to the district
51 attorney. Such compensation shall be a county charge, and shall be paid
52 by the treasurer of such county upon the affidavit of the stenographer
53 and the certificate of the district attorney specifying the number of
54 days of actual service and the number of folios furnished; excepting
55 that in the counties of Broome, Cayuga, Delaware, Erie, Monroe, Oneida,
56 Otsego, Rockland, Schenectady, Tioga and Westchester the salaries of

1 said stenographers shall be fixed by the board of supervisors or county
2 legislature and in the counties of Monroe, Niagara and Oneida such
3 stenographers in addition to such salary, shall be entitled to and shall
4 be allowed for a copy of testimony furnished to the district attorney
5 the fees prescribed by the civil practice law and rules. Such compen-
6 sation shall be a county charge, and shall be paid by the treasurer of
7 said county upon the affidavit of the stenographers and the certificate
8 of the district attorney specifying the number of folios furnished; and
9 excepting that in the county of Queens said stenographers shall receive
10 a salary of one thousand dollars per annum, and in the [~~counties of~~
11 ~~Orange and~~] county of Ulster, twelve hundred dollars per annum; and
12 excepting that in the county of Kings the salaries of said stenographers
13 shall be fixed by the board of estimate and apportionment of the city of
14 New York; and excepting that in the county of Orange said stenographers
15 shall receive a salary in an amount as shall be prescribed in the annual
16 county budget. Such salaries shall be a county charge and shall be paid
17 monthly, and in Erie, Oneida, Rockland, Westchester and Niagara counties
18 semi-monthly, by the treasurer of said county in the same manner as the
19 salaries of other county officers are paid.
20 § 4. This act shall take effect immediately.