

STATE OF NEW YORK

4258

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

Introduced by Sens. GRIFFO, AKSHAR, TEDISCO -- 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 requiring affirmative consent for the disclosure of contact information of witnesses to a defendant

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 amended by section 2 of part HHH of chapter
3 56 of the laws of 2020, is amended to read as follows:

4 (c) The names and adequate contact information for all persons other
5 than law enforcement personnel whom the prosecutor knows to have
6 evidence or information relevant to any offense charged or to any poten-
7 tial defense thereto who have given affirmative consent for such disclo-
8 sure of his or her contact information or have been denied a protective
9 order pursuant to section 245.70 of this article, including a desig-
10 nation by the prosecutor as to which of those persons may be called as
11 witnesses. Affirmative consent to disclose contact information shall be
12 requested by law enforcement personnel conducting the initial interview
13 of persons who have evidence or information relevant to any offense
14 charged or to any potential defense thereto. A person who does not
15 provide affirmative consent for disclosure of his or her contact infor-
16 mation shall provide good cause for such denial, and the prosecution
17 shall make a motion for a protective order pursuant to section 245.70 of
18 this article on the behalf of such person. Nothing in this paragraph
19 shall require the disclosure of physical addresses; provided, however,
20 upon a motion and good cause shown the court may direct the disclosure
21 of a physical address. Information under this subdivision relating to
22 the identity of a 911 caller, the victim or witness of an offense
23 defined under article one hundred thirty or section 230.34 or 230.34-a
24 of the penal law, any other victim or witness of a crime where the

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

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1 defendant has substantiated affiliation with a criminal enterprise as
2 defined in subdivision three of section 460.10 of the penal law, or a
3 confidential informant may be withheld, and redacted from discovery
4 materials, without need for a motion pursuant to section 245.70 of this
5 article; but the prosecution shall notify the defendant in writing that
6 such information has not been disclosed, unless the court rules other-
7 wise for good cause shown.

8 § 2. This act shall take effect immediately.