STATE OF NEW YORK

4726

2021-2022 Regular Sessions

IN ASSEMBLY

February 5, 2021

Introduced by M. of A. RA -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to protecting vulnerable witness and victim's contact information

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

Section 1. Paragraph (c) of subdivision 1 of section 245.20 of the criminal procedure law, as amended by section 2 of part HHH of chapter 56 of the laws of 2020, is amended to read as follows:

(c) The names and adequate contact information for all persons other than law enforcement personnel whom the prosecutor knows to have evidence or information relevant to any offense charged or to any potential defense thereto, including a designation by the prosecutor as to which of those persons may be called as witnesses**; provided, however, nothing in this paragraph shall require the disclosure of the names and adequate contact information for persons that the court finds on the record are subject to potential witness intimidation, violence or threats**. Nothing in this paragraph shall require the disclosure of physical addresses; provided, however, upon a motion and good cause shown the court may direct the disclosure of a physical address. Information under this subdivision relating to the identity of a 911 caller, the victim or witness of an offense defined under article one hundred thirty or section 230.34 or 230.34-a of the penal law, any other victim or witness of a crime where the defendant has substantiated affiliation with a criminal enterprise as defined in subdivision three of section 460.10 of the penal law, or a confidential informant may be withheld, and redacted from discovery materials, without need for a motion pursuant to section 245.70 of this article; but the prosecution shall notify the defendant in writing that such information has not been disclosed, unless the court rules otherwise for good cause shown.

§ 2. This act shall take effect immediately.

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

LBD08022-01-1