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:

Section 1. Subdivision i of section 321 of the judiciary law, as added by chapter 93 of the laws of 1974, is amended to read as follows:

i. In the county of Orange, it shall be lawful for the district attorney of said county to appoint [~~two~~] six stenographers, each of whom shall have authority to take and transcribe the testimony given before the grand juries in said county of Orange, and such appointments shall be in writing under the hand and seal of such district attorney, and shall be filed in the county clerk's office in the county of Orange.

§ 2. Section 322 of the judiciary law, as amended by chapter 165 of the laws of 2018, is amended to read as follows:

§ 322. Stenographers to be citizens and residents of county where appointed. Every stenographer appointed under the provisions of this title shall be a citizen and resident of the county in which he is appointed, except that the district attorney of Warren county may appoint a stenographer residing either in the county of Washington or in the county of Saratoga and the district attorney of Hamilton county may appoint a stenographer residing in the county of Fulton and the district attorney of Wyoming county may appoint a stenographer residing either in the county of Genesee or in the county of Livingston and the district attorney of Madison county may appoint a stenographer residing either in the county of Onondaga or in the county of Oneida or in any county in the sixth judicial district and the district attorney of Allegany county may appoint a stenographer residing in the county of Steuben or in any county in the eighth judicial district and the district attorney of Niagara county may appoint a stenographer residing in the county of Erie, Genesee or Orleans and the district attorneys of Chemung, Tioga, Tompkins and Otsego counties may each appoint a stenographer residing in 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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Schoharie county may appoint a stenographer residing in any county in the third judicial district and the district attorney of Washington county may appoint a stenographer residing either in the county of Saratoga or in the county of Warren and the district attorney of Saratoga county may appoint a stenographer residing in either Schenectady county, or Albany county or Rensselaer county and the district attorneys of Columbia and Greene counties may appoint a stenographer residing in any county of the third judicial district and the district attorneys of Seneca county, Ontario county, Wayne county, Livingston county and Yates county may appoint a stenographer residing in any county of the seventh judicial district and the district attorney of Cayuga county may appoint a stenographer residing in the county of Onondaga, the county of Tompkins or in any county of the seventh judicial district and the district attorney of Albany county may appoint a stenographer residing in either Schenectady county or in any county of the third judicial district and the district attorneys of Rockland and Putnam counties may appoint a stenographer residing in any county of the ninth judicial district and the district attorney in Orleans county may appoint a stenographer residing in any county of the eighth judicial district and the several district attorneys within the city of New York may appoint stenographers residing in any county within such city and the district attorneys of Lewis and Oswego counties may appoint a stenographer residing in any county in the fifth judicial district and the district attorney of Chautauqua county may appoint a stenographer residing in Erie county and the district attorney of Cattaraugus county may appoint a stenographer residing in any county in the eighth judicial district and the district attorney of Schenectady county may appoint a stenographer residing in either Albany county or in any county of the third judicial district and the district attorney of Jefferson county may appoint a stenographer residing in the county of St. Lawrence, or in any county of the fifth judicial district and the district attorney of Broome county may appoint a stenographer residing in the county of Onondaga or in any county of the sixth judicial district **and the district attorney of Orange county may appoint a stenographer residing in Orange county or in any county adjoining Orange county**.

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

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

said stenographers shall be fixed by the board of supervisors or county legislature and in the counties of Monroe, Niagara and Oneida such stenographers in addition to such salary, shall be entitled to and shall be allowed for a copy of testimony furnished to the district attorney the fees prescribed by the civil practice law and rules. Such compensation shall be a county charge, and shall be paid by the treasurer of said county upon the affidavit of the stenographers and the certificate of the district attorney specifying the number of folios furnished; and excepting that in the county of Queens said stenographers shall receive a salary of one thousand dollars per annum, and in the [~~counties of Orange and~~] county of Ulster, twelve hundred dollars per annum; and excepting that in the county of Kings the salaries of said stenographers shall be fixed by the board of estimate and apportionment of the city of New York; and excepting that in the county of Orange said stenographers shall receive a salary in an amount as shall be prescribed in the annual county budget. Such salaries shall be a county charge and shall be paid monthly, and in Erie, Oneida, Rockland, Westchester and Niagara counties semi-monthly, by the treasurer of said county in the same manner as the salaries of other county officers are paid.

§ 4. This act shall take effect immediately.