

STATE OF NEW YORK

2198

2021-2022 Regular Sessions

IN SENATE

January 20, 2021

Introduced by Sen. SEPULVEDA -- 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 public release of grand jury documents

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

1 Section 1. Subdivision 6 of section 190.25 of the criminal procedure
2 law is amended to read as follows:

3 6. (a) The legal advisors of the grand jury are the court and the
4 district attorney, and the grand jury may not seek or receive legal
5 advice from any other source. Where necessary or appropriate, the court
6 or the district attorney, or both, must instruct the grand jury concern-
7 ing the law with respect to its duties or any matter before it, and such
8 instructions must be recorded in the minutes.

9 (b) Notwithstanding paragraph (a) of subdivision four of this section
10 or any other law to the contrary, at any time following final action by
11 the grand jury on any charge or charges, the court shall make such legal
12 instructions and charges submitted to the grand jury available to the
13 public on request, provided that the names of witnesses and any informa-
14 tion that would identify such witnesses included in such legal
15 instructions shall be redacted when the court determines, in a written
16 order, that there is a reasonable likelihood that public release of such
17 information would endanger any individual.

18 § 2. This act shall take effect immediately.

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

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