

# STATE OF NEW YORK

316

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. MYRIE, BAILEY, KAMINSKY, SEPULVEDA, HOYLMAN -- 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 providing for the release of certain grand jury proceeding materials on the basis of enduring historical importance

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

Section 1. Paragraph (a) of subdivision 4 of section 190.25 of the criminal procedure law, as amended by chapter 677 of the laws of 1985, is amended to read as follows:

(a) ~~Grand~~ (i) Except as otherwise provided by law, grand jury proceedings are secret, and no grand juror, or other person specified in subdivision three of this section or section 215.70 of the penal law, may, except in the lawful discharge of his duties or upon written order of the court, disclose the nature or substance of any grand jury testimony, evidence, or any decision, result or other matter attending a grand jury proceeding. For the purpose of assisting the grand jury in conducting its investigation, evidence obtained by a grand jury may be independently examined by the district attorney, members of his staff, police officers specifically assigned to the investigation, and such other persons as the court may specifically authorize. Such evidence may not be disclosed to other persons without a court order. Nothing contained herein shall prohibit a witness from disclosing his own testimony.

(ii) In proceedings where a grand jury is impaneled to hear and examine evidence concerning offenses, misconduct, nonfeasance and neglect by a public officer or employee, whether criminal or otherwise, in which a charge that a designated person committed a crime is dismissed pursuant to subdivision one of section 190.75 of this article or

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

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1 concluded without an indictment, any person may file a written petition  
2 seeking the release of material concerning or related to the grand jury  
3 proceeding, including but not limited to transcripts, reports, exhibits,  
4 or material of any nature or substance of any grand jury testimony,  
5 evidence or any decision, result or any other matter which occurred  
6 during a grand jury proceeding upon the basis of enduring historical  
7 importance. Enduring historical importance shall be a rebuttable  
8 presumption in cases where a petitioner is seeking release of grand jury  
9 records fifty years or older on the basis of a proceeding's enduring  
10 historical importance. For the purposes of this paragraph the term  
11 "enduring historical importance" shall mean a matter where the release  
12 of a grand jury proceeding would enhance the existing historical  
13 record, foster further scholarly discussion, and improve the public's  
14 understanding of a significant historical event. In all such cases,  
15 upon a finding of enduring historical importance a court shall release  
16 such grand jury records in a manner and form as determined by the court.

17 § 2. This act shall take effect immediately.