STATE OF NEW YORK

316--A

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. MYRIE, BAILEY, KAMINSKY, SEPULVEDA, HOYLMAN, BIAGGI, BRISPORT, GOUNARDES, JACKSON, RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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which a charge that a designated person committed a crime is dismissed pursuant to subdivision one of section 190.75 of this article or concluded without an indictment, any person may file a written petition seeking the release of material concerning or related to such grand jury proceeding, including but not limited to transcripts, reports, exhibits, and material of any nature or substance of any grand jury testimony, evidence or any decision, result or any other matter which occurred during a grand jury proceeding upon the basis of enduring historical importance. Enduring historical importance shall include grand jury records forty years old or older and there shall be a rebuttable presumption of the historical importance of such records pursuant to this subparagraph. For the purposes of this subparagraph, "enduring historical importance" shall mean a matter where the release of such grand jury information would enhance the existing historical record, foster further scholarly discussion, and improve the public's understanding of a significant historical event. In all such cases, upon a finding of enduring historical importance, a court shall release such grand jury records in a manner and form as determined by the court.

§ 2. This act shall take effect immediately and shall apply to such records created before, on or after such date.