

# STATE OF NEW YORK

8642

## IN SENATE

March 24, 2022

Introduced by Sen. MARTUCCI -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

11 § 322. Stenographers to be citizens and residents of county where  
12 appointed. Every stenographer appointed under the provisions of this  
13 title shall be a citizen and resident of the county in which he is  
14 appointed, except that the district attorney of Warren county may  
15 appoint a stenographer residing either in the county of Washington or in  
16 the county of Saratoga and the district attorney of Hamilton county may  
17 appoint a stenographer residing in the county of Fulton and the district  
18 attorney of Wyoming county may appoint a stenographer residing either in  
19 the county of Genesee or in the county of Livingston and the district  
20 attorney of Madison county may appoint a stenographer residing either in  
21 the county of Onondaga or in the county of Oneida or in any county in  
22 the sixth judicial district and the district attorney of Allegany county  
23 may appoint a stenographer residing in the county of Steuben or in any  
24 county in the eighth judicial district and the district attorney of  
25 Niagara county may appoint a stenographer residing in the county of  
26 Erie, Genesee or Orleans and the district attorneys of Chemung, Tioga,  
27 Tompkins and Otsego counties may each appoint a stenographer residing in  
28 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.

LBD15160-01-2

1 Schoharie county may appoint a stenographer residing in any county in  
2 the third judicial district and the district attorney of Washington  
3 county may appoint a stenographer residing either in the county of Sara-  
4 toga or in the county of Warren and the district attorney of Saratoga  
5 county may appoint a stenographer residing in either Schenectady county,  
6 or Albany county or Rensselaer county and the district attorneys of  
7 Columbia and Greene counties may appoint a stenographer residing in any  
8 county of the third judicial district and the district attorneys of  
9 Seneca county, Ontario county, Wayne county, Livingston county and Yates  
10 county may appoint a stenographer residing in any county of the seventh  
11 judicial district and the district attorney of Cayuga county may appoint  
12 a stenographer residing in the county of Onondaga, the county of Tomp-  
13 kins or in any county of the seventh judicial district and the district  
14 attorney of Albany county may appoint a stenographer residing in either  
15 Schenectady county or in any county of the third judicial district and  
16 the district attorneys of Rockland and Putnam counties may appoint a  
17 stenographer residing in any county of the ninth judicial district and  
18 the district attorney in Orleans county may appoint a stenographer  
19 residing in any county of the eighth judicial district and the several  
20 district attorneys within the city of New York may appoint stenographers  
21 residing in any county within such city and the district attorneys of  
22 Lewis and Oswego counties may appoint a stenographer residing in any  
23 county in the fifth judicial district and the district attorney of Chau-  
24 tauqua county may appoint a stenographer residing in Erie county and the  
25 district attorney of Cattaraugus county may appoint a stenographer  
26 residing in any county in the eighth judicial district and the district  
27 attorney of Schenectady county may appoint a stenographer residing in  
28 either Albany county or in any county of the third judicial district and  
29 the district attorney of Jefferson county may appoint a stenographer  
30 residing in the county of St. Lawrence, or in any county of the fifth  
31 judicial district and the district attorney of Broome county may appoint  
32 a stenographer residing in the county of Onondaga or in any county of  
33 the sixth judicial district and the district attorney of Orange county  
34 may appoint a stenographer residing in Orange county or in any county  
35 adjoining Orange county.

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

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

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

20 § 4. This act shall take effect immediately.