

STATE OF NEW YORK

7069

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

Introduced by M. of A. WALKER -- read once and referred to the Committee on Codes

AN ACT in relation to requiring the state to enter into an agreement with the Rand Corporation to conduct a study of the impact the 2020 Discovery Reform legislation enacted by part HHH of chapter 56 of the laws of 2020 has had on the handling and disposition of criminal cases; and making an appropriation therefor

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

1 Section 1. The state shall contract with the Rand Corporation, a
2 research organization that develops solutions to public policy chal-
3 lenges, to conduct a study of the impact the 2020 Discovery Reform
4 legislation enacted by part HHH of chapter 56 of the laws of 2020 has
5 had on the handling and disposition of criminal cases prosecuted by the
6 state of New York.
7 § 2. The analysis to be conducted by the Rand Corporation shall
8 include an analysis of:
9 a. The impact reduced timelines for discovery have had on the workload
10 of district attorneys, institutional defense providers, private attor-
11 neys, assigned counsel and police and non-police investigator workload.
12 b. The impact reduced timelines for discovery have had on the process-
13 ing, and disposition of criminal offense cases, including whether there
14 has been a reduction in or other impact on:
15 (i) the number of cases in which an indictment has been handed down;
16 (ii) the number of cases which have been prosecuted at trial and
17 whether such cases resulted in a conviction, acquittal or mistrial;
18 (iii) the number of cases in which a plea deal was reached between the
19 prosecution and the defendant;
20 (iv) the number of cases in which the prosecuting entity determined
21 that there was insufficient evidence to proceed to obtain an indictment;

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

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1 (v) the number of cases in which the prosecuting entity determined
2 that there was insufficient evidence to proceed to trial; and

3 (vi) the number of cases in which the prosecuting entity elected to
4 dismiss the case with or without prejudice.

5 c. The impact reduced timelines for discovery have had on staffing
6 levels in the offices of district attorneys, institutional defense
7 providers, private attorneys, assigned counsel and police and non-police
8 investigators, including:

9 (i) whether such reduced deadlines have resulted, directly or indi-
10 rectly, to an increase in staff resignations or retirements;

11 (ii) whether such reduced deadlines have resulted, directly or indi-
12 rectly, in decreased recruitment of staff;

13 (iii) whether such reduced deadlines have resulted, directly or indi-
14 rectly, in a need for additional police and non-police investigators to
15 collect evidence; and

16 (iv) whether such reduced deadlines have resulted, directly or indi-
17 rectly, in a need for additional staff to organize, interpret, analyze
18 and transfer discovery materials.

19 d. The adequacy of currently utilized technology in the processing of
20 criminal cases for trial, including but not limited to the speed with
21 which laboratory results are processed and results are received by the
22 attorneys involved in the case.

23 e. The impact reduced timelines for discovery have had on identifying
24 and obtaining expert witnesses.

25 f. The impact reduced timelines for discovery have had on the ability
26 of prosecutors to provide discoverable materials to defense counsel.

27 g. The impact reduced timelines for discovery have had on other obli-
28 gations of district attorneys, institutional defense providers, private
29 attorneys and assigned counsel, including, but not limited to the
30 production of discovery to incarcerated individuals or individuals
31 representing themselves.

32 § 3. a. The study to be conducted by the Rand Corporation shall
33 include conclusions as to the efficacy of the reduced timeline for
34 discovery on the processing of criminal cases and recommendations
35 regarding increased efficiency in case processing.

36 b. To the extent feasible, the study shall address and estimate:

37 (i) the cost of providing additional staff, expediting investigations
38 and laboratory results and other costs associated with the expedited
39 speed in prosecuting cases; and

40 (ii) the cost and estimated timeline for development of statewide
41 technological infrastructure to meet the modern demands of the criminal
42 justice system.

43 § 4. For purposes of this act, "staff" includes attorneys, paralegals,
44 police, non-police investigators and other personnel necessary for the
45 investigation and processing of criminal cases by the state of New York.

46 § 5. The sum of two million dollars (\$2,000,000), is hereby appropri-
47 ated to the department of audit and control out of any moneys in the
48 state treasury in the general fund to the credit of the state purposes
49 account after audit by and on the warrant of the state comptroller upon
50 vouchers certified or approved by the attorney general.

51 § 6. This act shall take effect immediately.