STATE OF NEW YORK

8526

IN SENATE

February 8, 2024

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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:

Section 1. The state shall contract with the Rand Corporation, a research organization that develops solutions to public policy challenges, 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 prosecuted by the state of New York.

§ 2. The analysis to be conducted by the Rand Corporation shall include an analysis of:

a. The impact reduced timelines for discovery have had on the workload of district attorneys, institutional defense providers, private attorneys, assigned counsel and police and non-police investigator workload.

b. The impact reduced timelines for discovery have had on the processing, and disposition of criminal offense cases, including whether there has been a reduction in or other impact on:

(i) the number of cases in which an indictment has been handed down;

(ii) the number of cases which have been prosecuted at trial and whether such cases resulted in a conviction, acquittal or mistrial;

(iii) the number of cases in which a plea deal was reached between the prosecution and the defendant;

(iv) the number of cases in which the prosecuting entity determined that there was insufficient evidence to proceed to obtain an indictment;

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

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

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

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

(i) whether such reduced deadlines have resulted, directly or indirectly, to an increase in staff resignations or retirements;

(ii) whether such reduced deadlines have resulted, directly or indirectly, in decreased recruitment of staff;

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

(iv) whether such reduced deadlines have resulted, directly or indirectly, in a need for additional staff to organize, interpret, analyze and transfer discovery materials.

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

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

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

g. The impact reduced timelines for discovery have had on other obligations of district attorneys, institutional defense providers, private attorneys and assigned counsel, including, but not limited to the production of discovery to incarcerated individuals or individuals representing themselves.

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

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

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

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

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

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

§ 6. This act shall take effect immediately.