

# STATE OF NEW YORK

4634

2025-2026 Regular Sessions

## IN SENATE

February 10, 2025

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

AN ACT to amend the penal law and the criminal procedure law, in relation to creating the crime of unlawful dissemination or publication of discovery material

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

1 Section 1. The penal law is amended by adding a new section 215.09 to  
2 read as follows:

3 § 215.09 Unlawful dissemination or publication of discovery material.

4 1. A person is guilty of unlawful dissemination or publication of  
5 discovery material, when such person:

6 a. Intentionally disseminates or publishes material defined under  
7 section 245.20 of the criminal procedure law with the intent of intim-  
8 idating or harassing another person; or

9 b. Intentionally disseminates or publishes material defined under  
10 section 245.20 of the criminal procedure law to another person and such  
11 person knew or reasonably should have known that the person intended to  
12 use the discovery material to intimidate or harass another person.

13 2. A person who is the defense counsel to a defendant in a legal  
14 proceeding shall not be guilty of an offense under paragraph b of subdivi-  
15 vision one of this section, when communicating directly with the defend-  
16 ant in accordance with article two hundred forty-five of the criminal  
17 procedure law.

18 3. Under this section, "disseminates" and "publishes" shall have the  
19 same meanings as under section 250.40 of this part.

20 Unlawful dissemination or publication of discovery material is a class  
21 E felony.

22 § 2. Paragraphs (t) and (u) of subdivision 4 of section 510.10 of the  
23 criminal procedure law, paragraph (t) as amended and paragraph (u) as

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

LBD08876-01-5

1 added by section 2 of subpart B of part UU of chapter 56 of the laws of  
2 2022, are amended and a new paragraph (v) is added to read as follows:

3 (t) any felony or class A misdemeanor involving harm to an identifi-  
4 able person or property, or any charge of criminal possession of a  
5 firearm as defined in section 265.01-b of the penal law, where such  
6 charge arose from conduct occurring while the defendant was released on  
7 [~~his or her~~] such defendant's own recognizance, released under condi-  
8 tions, or had yet to be arraigned after the issuance of a desk appear-  
9 ance ticket for a separate felony or class A misdemeanor involving harm  
10 to an identifiable person or property, or any charge of criminal  
11 possession of a firearm as defined in section 265.01-b of the penal law,  
12 provided, however, that the prosecutor must show reasonable cause to  
13 believe that the defendant committed the instant crime and any underly-  
14 ing crime. For the purposes of this subparagraph, any of the underlying  
15 crimes need not be a qualifying offense as defined in this subdivision.  
16 For the purposes of this paragraph, "harm to an identifiable person or  
17 property" shall include but not be limited to theft of or damage to  
18 property. However, based upon a review of the facts alleged in the accu-  
19 satory instrument, if the court determines that such theft is negligible  
20 and does not appear to be in furtherance of other criminal activity, the  
21 principal shall be released on [~~his or her~~] such principal's own recog-  
22 nizance or under appropriate non-monetary conditions; [~~or~~]

23 (u) criminal possession of a weapon in the third degree as defined in  
24 subdivision three of section 265.02 of the penal law or criminal sale of  
25 a firearm to a minor as defined in section 265.16 of the penal law[~~+~~];  
26 or

27 (v) unlawful dissemination or publication of discovery material as  
28 defined in section 215.09 of the penal law.

29 § 3. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of  
30 section 530.20 of the criminal procedure law, subparagraph (xx) as  
31 amended and subparagraph (xxi) as added by section 4 of subpart C of  
32 part UU of chapter 56 of the laws of 2022, are amended and a new subpar-  
33 agraph (xxii) is added to read as follows:

34 (xx) any felony or class A misdemeanor involving harm to an identifi-  
35 able person or property, or any charge of criminal possession of a  
36 firearm as defined in section 265.01-b of the penal law where such  
37 charge arose from conduct occurring while the defendant was released on  
38 [~~his or her~~] such defendant's own recognizance, released under condi-  
39 tions, or had yet to be arraigned after the issuance of a desk appear-  
40 ance ticket for a separate felony or class A misdemeanor involving harm  
41 to an identifiable person or property, provided, however, that the  
42 prosecutor must show reasonable cause to believe that the defendant  
43 committed the instant crime and any underlying crime. For the purposes  
44 of this subparagraph, any of the underlying crimes need not be a quali-  
45 fying offense as defined in this subdivision. For the purposes of this  
46 paragraph, "harm to an identifiable person or property" shall include  
47 but not be limited to theft of or damage to property. However, based  
48 upon a review of the facts alleged in the accusatory instrument, if the  
49 court determines that such theft is negligible and does not appear to be  
50 in furtherance of other criminal activity, the principal shall be  
51 released on [~~his or her~~] such principal's own recognizance or under  
52 appropriate non-monetary conditions; [~~or~~]

53 (xxi) criminal possession of a weapon in the third degree as defined  
54 in subdivision three of section 265.02 of the penal law or criminal sale  
55 of a firearm to a minor as defined in section 265.16 of the penal  
56 law[~~+~~]; or

1 (xxii) unlawful dissemination or publication of discovery material as  
2 defined in section 215.09 of the penal law.

3 § 4. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the  
4 criminal procedure law, paragraph (t) as amended and paragraph (u) as  
5 added by section 4 of subpart B of part UU of chapter 56 of the laws of  
6 2022, are amended and a new paragraph (v) is added to read as follows:

7 (t) any felony or class A misdemeanor involving harm to an identifi-  
8 able person or property, or any charge of criminal possession of a  
9 firearm as defined in section 265.01-b of the penal law, where such  
10 charge arose from conduct occurring while the defendant was released on  
11 [~~his or her~~] such defendant's own recognizance, released under condi-  
12 tions, or had yet to be arraigned after the issuance of a desk appear-  
13 ance ticket for a separate felony or class A misdemeanor involving harm  
14 to an identifiable person or property, or any charge of criminal  
15 possession of a firearm as defined in section 265.01-b of the penal law,  
16 provided, however, that the prosecutor must show reasonable cause to  
17 believe that the defendant committed the instant crime and any underly-  
18 ing crime. For the purposes of this subparagraph, any of the underlying  
19 crimes need not be a qualifying offense as defined in this subdivision.  
20 For the purposes of this paragraph, "harm to an identifiable person or  
21 property" shall include but not be limited to theft of or damage to  
22 property. However, based upon a review of the facts alleged in the accu-  
23 satory instrument, if the court determines that such theft is negligible  
24 and does not appear to be in furtherance of other criminal activity, the  
25 principal shall be released on [~~his or her~~] such principal's own recog-  
26 nizance or under appropriate non-monetary conditions; [~~or~~]

27 (u) criminal possession of a weapon in the third degree as defined in  
28 subdivision three of section 265.02 of the penal law or criminal sale of  
29 a firearm to a minor as defined in section 265.16 of the penal law[~~r~~] ;  
30 or

31 (v) unlawful dissemination or publication of discovery material as  
32 defined in section 215.09 of the penal law.

33 § 5. This act shall take effect immediately.