

# STATE OF NEW YORK

5095

2025-2026 Regular Sessions

## IN SENATE

February 18, 2025

Introduced by Sens. GRIFFO, OBERACKER, TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to requiring affirmative consent for the disclosure of contact information of witnesses to a defendant

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

1 Section 1. Paragraph (c) of subdivision 1 of section 245.20 of the  
2 criminal procedure law, as amended by section 2 of part HHH of chapter  
3 56 of the laws of 2020, is amended to read as follows:

4 (c) The names and adequate contact information for all persons other  
5 than law enforcement personnel whom the prosecutor knows to have  
6 evidence or information relevant to any offense charged or to any poten-  
7 tial defense thereto who have given affirmative consent for such disclo-  
8 sure of their contact information or have been denied a protective order  
9 pursuant to section 245.70 of this article, including a designation by  
10 the prosecutor as to which of those persons may be called as witnesses.  
11 Affirmative consent to disclose contact information shall be requested  
12 by law enforcement personnel conducting the initial interview of persons  
13 who have evidence or information relevant to any offense charged or to  
14 any potential defense thereto. A person who does not provide affirmative  
15 consent for disclosure of their contact information shall provide good  
16 cause for such denial, and the prosecution shall make a motion for a  
17 protective order pursuant to section 245.70 of this article on the  
18 behalf of such person. Nothing in this paragraph shall require the  
19 disclosure of physical addresses; provided, however, upon a motion and  
20 good cause shown the court may direct the disclosure of a physical  
21 address. Information under this subdivision relating to the identity of  
22 a 911 caller, the victim or witness of an offense defined under article  
23 one hundred thirty or section 230.34 or 230.34-a of the penal law, any  
24 other victim or witness of a crime where the defendant has substantiated

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

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1 affiliation with a criminal enterprise as defined in subdivision three  
2 of section 460.10 of the penal law, or a confidential informant may be  
3 withheld, and redacted from discovery materials, without need for a  
4 motion pursuant to section 245.70 of this article; but the prosecution  
5 shall notify the defendant in writing that such information has not been  
6 disclosed, unless the court rules otherwise for good cause shown.

7 § 2. This act shall take effect immediately.