STATE OF NEW YORK

7896--A

2025-2026 Regular Sessions

IN ASSEMBLY

April 11, 2025

Introduced by M. of A. BORES -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to business records in grand jury proceedings

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

Section 1. Paragraph (a) of subdivision 8 of section 190.30 of the criminal procedure law, as added by chapter 279 of the laws of 2008, is amended to read as follows:

(a) [~~A business record may be received in such grand jury proceedings as evidence of the following facts and similar facts stated therein:~~

~~(i) a person's use of, subscription to and charges and payments for communication equipment and services including but not limited to equipment or services provided by telephone companies and internet service providers, but not including recorded conversations or images communicated thereby; and~~

~~(ii) financial transactions, and a person's ownership or possessory interest in any account, at a bank, insurance company, brokerage, exchange or banking organization as defined in section two of the banking law~~] **Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence or event, may be received in such grand jury proceedings as evidence of proof that such act, transaction, occurrence or event, if it was made in the regular course of any business and that it was the regular course of such business to make it, at the time of the act, transaction, occurrence or event, or within a reasonable time thereafter. An electronic record, as defined in section three hundred two of the state technology law, used or stored as such a memorandum or record, may be received in such grand jury proceedings as evidence in a**

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

LBD10861-04-6

tangible exhibit that is a true and accurate representation of such electronic record. The term business includes a business, profession, occupation and calling of every kind.

§ 2. Paragraph (c) of subdivision 8 of section 190.30 of the criminal procedure law, as added by chapter 279 of the laws of 2008, is amended to read as follows:

(c) Any business record offered to a grand jury pursuant to paragraph (a) of this subdivision that includes material [~~beyond that described in such paragraph (a)~~] outside the scope of the business record as regularly generated shall be redacted to exclude such additional material, or received subject to a limiting instruction that the grand jury shall not consider such additional material in support of any criminal charge.

§ 3. This act shall take effect immediately.