

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 sion 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.

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

(t) any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law, where such charge arose from conduct occurring while the defendant was released on ~~[his or her]~~ such defendant's own recognizance, released under conditions, or had yet to be arraigned after the issuance of a desk appearance ticket for a separate felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law, provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision. For the purposes of this paragraph, "harm to an identifiable person or property" shall include but not be limited to theft of or damage to property. However, based upon a review of the facts alleged in the accusatory instrument, if the court determines that such theft is negligible and does not appear to be in furtherance of other criminal activity, the principal shall be released on ~~[his or her]~~ such principal's own recognizance or under appropriate non-monetary conditions; ~~[or]~~

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

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

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

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

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