§ 331.4. Discovery; of prior statements and history of witnesses. 1. At the commencement of the fact-finding hearing, the presentment agency shall, subject to a protective order, make available to the respondent:

(a) any written or recorded statement, including any testimony before a grand jury and any examination videotaped pursuant to section 190.32 of the criminal procedure law, made by a person whom the presentment agency intends to call as a witness at the fact-finding hearing, and which relates to the subject matter of the witness's testimony. When such a statement includes grand jury testimony, the presentment agency shall request that the district attorney provide a transcript of testimony prior to the commencement of the fact-finding hearing; upon receiving such a request, the district attorney shall promptly apply to the appropriate criminal court, with written notice to the presentment agency and the respondent, for a written order pursuant to section three hundred twenty-five of the judiciary law releasing a transcript of testimony to the presentment agency;

(b) a record of judgment of conviction of a witness the presentment agency intends to call at the fact-finding hearing if such record is known by the presentment agency to exist;

(c) the existence of any pending criminal action against a witness the presentment agency intends to call at the fact-finding hearing, if the pending criminal action is known by the presentment agency to exist.

The provisions of paragraphs (b) and (c) shall not be construed to require the presentment agency to fingerprint a witness or otherwise cause the division of criminal justice services or other law enforcement agency or court to issue a report concerning a witness.

2. At the conclusion of the presentment agency's direct case and before the commencement of the respondent's direct case, the respondent shall, subject to a protective order, make available to the presentment agency (a) any written or recorded statement made by a person other than the respondent whom the respondent intends to call as a witness at the fact-finding hearing and which relates to the subject matter of the witness's testimony; (b) a record of judgment of conviction of a witness, other than the respondent, the respondent intends to call at a hearing if the record of conviction is known by the respondent to exist;

and (c) the existence of any pending criminal action against a witness, other than the respondent, the respondent intends to call at a hearing, if the pending criminal action is known by the respondent to exist.

3. Subject to a protective order, at a pre-fact-finding hearing held upon a motion pursuant to section 330.2, at which a witness is called to testify, each party at the conclusion of the direct examination of each of its witnesses, shall, upon request of the other party, make available to that party to the extent not previously disclosed:

(a) any written or recorded statement, including any testimony before a grand jury, made by such witness other than the respondent, which relates to the subject matter of the witness's testimony. When such a statement includes grand jury testimony, the presentment agency shall request that the district attorney provide a transcript of testimony prior to the commencement of the pre-fact-finding hearing; upon receiving such a request, the district attorney shall promptly apply to the appropriate criminal court, with written notice to the presentment agency and the respondent, for a written order pursuant to section three hundred twenty-five of the judiciary law releasing a transcript of testimony to the presentment agency;

(b) a record of a judgment of conviction of such witness other than the respondent if the record of conviction is known by the presentment agency or respondent, as the case may be, to exist; and

(c) the existence of any pending criminal action against such witness other than the respondent, if the pending criminal action is known by the presentment agency or respondent, as the case may be, to exist.