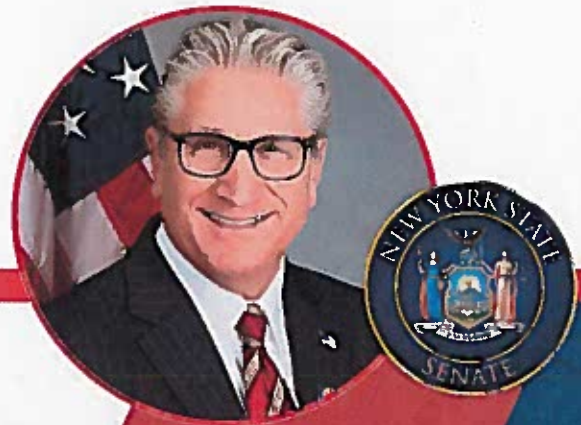


# Emergency First Responders Privacy and Protection Act

## S.7280

NEW YORK STATE SENATOR  
**JIM TEDISCO**



**Ranking Minority Member:**

Children and Families

Consumer Protection

Domestic Animal Welfare

**Committees:**

Alcoholism and Substance Abuse

Banks

Social Services

**THE SENATE  
STATE OF NEW YORK**



**JAMES N. TEDISCO  
Senator, 49th District**

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January 17, 2020

Dear Emergency First Responder:

Thank you for all you do in our communities to keep our residents safe when emergencies happen. As you may have heard, last year the Governor and the Majorities in the Legislature, who are controlled by one voice from one region of our state, passed sweeping so-called criminal justice reform legislation that ended bail for many violent crimes and created significant new discovery requirements that could hamper the prosecution of criminals and put the public in danger. I want you to know that I voted against this terrible bill and have been among the legislature's most outspoken voices of opposition to it and am carrying the legislation for a full repeal of the bail and discovery reform law (S.6849/A.8855) and to give judges greater discretion on bail (S.6861/A.9047).

The main reason I am writing to you is to make you aware, if you aren't already, about one facet of the bail/discovery reform law that specifically impacts emergency first responders and your loved ones. The ill-conceived discovery reform law, which was passed in the dark of the night in the state budget, without holding public hearings and getting input from all stakeholders, overhauled the discovery process to require an expedited timeline to provide police reports, radio transmissions, body-worn and dash-cam video, **and witness names and contact information related to the prosecution of a crime to defendants within 15 days of arraignment.**

Current law protects law enforcement personnel from the disclosure of name and contact information in this process to safeguard them and their families from threats and intimidation. **However, the same protection was not extended to emergency first responders such as firefighters and EMS workers,** who are often the first ones to provide life-saving services at emergency crime scenes.

Several first responder groups have contacted me with their concerns about this terrible new bail and discovery reform law and the impact it will have on their safety and ability to recruit and retain personnel. Violent criminals and vicious gangs like MS-13 are known to not only intimidate witnesses but also to perpetuate physical harm and even murder them and their loved ones. Our emergency first responders are always there to treat anyone in need of care, no matter whether they've committed a crime or not. These first responders are already challenged in their ability to recruit new members and this discovery law just makes it more difficult for them because our community heroes want to help people and save lives – not see themselves as the victims.

That's why I have authored legislation in the Senate that's being carried by Assemblyman Dan Stec and Assemblywoman Mary Beth Walsh in the Assembly to (S.7280) protect the privacy of all emergency first responders from having their personal information shared during discovery. I'm also sponsor of a bill that holistically protects all witnesses (S.7133)



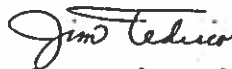
Our first emergency first responders are prepared to put their own lives on the line but they never bargained for the possibility that their families could become targets. We can't allow open season on our heroic emergency service personnel and see them victimized by predators who will take advantage of this new discovery reform law to threaten their lives and their family's well-being.

You can help me advocate for this public safety legislation to bring sanity back to our criminal justice system by contacting the Governor, Senate Majority Leader and Assembly Speaker and ask them to bring these measures to protect our first responders and all New Yorkers to the Floor outside of the state budget for a debate and vote: Here's their contact info:

- Governor Andrew Cuomo: 518-474-8390, Link to contact form for email: <https://www.governor.ny.gov/content/governor-contact-form>
- Senate Majority Leader Andrea Stewart-Cousins: 518-455-2585, email: [scousins@nysenate.gov](mailto:scousins@nysenate.gov)
- Assembly Speaker Carl Heastie: 518-455-3791, email: [speaker@nyassembly.gov](mailto:speaker@nyassembly.gov)

Again, many thanks for all you do to protect our communities. You have my continued commitment to do all I can to stand up for you and all our first responders and let you know that we have your backs!

Sincerely,



Senator James N. Tedisco  
49<sup>th</sup> Senate District

# STATE OF NEW YORK

7280

## IN SENATE

January 15, 2020

Introduced by Sens. TEDISCO, BORRELLO, GALLIVAN, GRIFFO, SEWARD -- 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 ensuring privacy protections for all emergency personnel present at a crime scene

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 added by section 2 of part LLL of chapter 59  
3 of the laws of 2019, is amended to read as follows:

4 (c) The names and adequate contact information for all persons other  
5 than law enforcement personnel, ambulance services or advanced life  
6 support first response services, certified first responders, firefight-  
7 ers, emergency medical technicians or advanced emergency medical techni-  
8 cians, who are employed by or enrolled members of any such service, whom  
9 the prosecutor knows to have evidence or information relevant to any  
10 offense charged or to any potential defense thereto, including a desig-  
11 nation by the prosecutor as to which of those persons may be called as  
12 witnesses. Nothing in this paragraph shall require the disclosure of  
13 physical addresses; provided, however, upon a motion and good cause  
14 shown the court may direct the disclosure of a physical address. Infor-  
15 mation under this subdivision relating to a confidential informant may  
16 be withheld, and redacted from discovery materials, without need for a  
17 motion pursuant to section 245.70 of this article; but the prosecution  
18 shall notify the defendant in writing that such information has not been  
19 disclosed, unless the court rules otherwise for good cause shown.

20 § 2. Subdivision 4 of section 245.70 of the criminal procedure law, as  
21 added by section 2 of part LLL of chapter 59 of the laws of 2019, is  
22 amended to read as follows:

23 4. Showing of good cause. In determining good cause under this section  
24 the court may consider: constitutional rights or limitations; danger to  
25 the integrity of physical evidence or the safety of a witness; risk of  
26 intimidation, economic reprisal, bribery, harassment or unjustified

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

LBD14752-01-0

1 annoyance or embarrassment to any person, and the nature, severity and  
2 likelihood of that risk; a risk of an adverse effect upon the legitimate  
3 needs of law enforcement, ambulance services or advanced life support  
4 first response services, certified first responders, firefighters, emer-  
5 gency medical technicians or advanced emergency medical technicians, who  
6 are employed by or enrolled members of any such service, including the  
7 protection of the confidentiality of informants, and the nature, severi-  
8 ty and likelihood of that risk; the nature and circumstances of the  
9 factual allegations in the case; whether the defendant has a history of  
10 witness intimidation or tampering and the nature of that history; the  
11 nature of the stated reasons in support of a protective order; the  
12 nature of the witness identifying information that is sought to be  
13 addressed by a protective order, including the option of employing  
14 adequate alternative contact information; danger to any person stemming  
15 from factors such as a defendant's substantiated affiliation with a  
16 criminal enterprise as defined in subdivision three of section 460.10 of  
17 the penal law; and other similar factors found to outweigh the useful-  
18 ness of the discovery.

19 § 3. This act shall take effect on the ninetieth day after it shall  
20 have become a law.

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S7280

**SPONSOR:** TEDISCO

**TITLE OF BILL:**

An act to amend the criminal procedure law, in relation to ensuring privacy protections for all emergency personnel present at a crime scene

**PURPOSE:**

To ensure privacy protections for all emergency personnel present at a crime scene as it relates to the discovery process.

**SUMMARY OF PROVISIONS:**

Paragraph (c) of subdivision 1 of section 245.20 of the criminal procedure law, as added by section 2 of part LLL of chapter 59 of the laws of 2019, is amended to read as follows:

(c) The names and adequate contact information for all persons other than law enforcement personnel, **AMBULANCE SERVICES OR ADVANCED LIFE SUPPORT FIRST RESPONSE SERVICES, CERTIFIED FIRST RESPONDERS, FIREFIGHTERS, EMERGENCY MEDICAL TECHNICIANS OR ADVANCED EMERGENCY MEDICAL TECHNICIANS, WHO ARE EMPLOYED BY OR ENROLLED MEMBERS OF ANY SUCH SERVICE,** whom the prosecutor knows to have evidence or information relevant to any offense charged or to any potential defense thereto, including a designation by the prosecutor as to which of those persons may be called as witnesses. Nothing in this paragraph shall require the disclosure of physical addresses; provided, however, upon a motion and good cause shown the court may direct the disclosure of a physical address. Information under this subdivision relating to a confidential informant may be withheld, and redacted from discovery materials, without need for a motion pursuant to section 245.70 of this article; but the prosecution shall notify the defendant in writing that such information has not been disclosed, unless the court rules otherwise for good cause shown.

§ 2. Subdivision 4 of section 245.70 of the criminal procedure law, as added by section 2 of part LLL of chapter 59 of the laws of 2019, is also amended to add first responders in the same manner as paragraph (c) above.

**JUSTIFICATION:**

The ill-conceived discovery reform laws passed in the 2019-2020 New York State Budget overhauled the discovery process, requiring an expedited timeline to provide materials such as police reports, radio transmissions, body-worn and dash-cam video, along with other data related to prosecution.

While current law protects law enforcement personnel from disclosure of name and adequate contact information in this process to protect them and their families from threats, the same protection is not extended to first responders, who are in many instances called upon to provide services at crime scenes.

Emergency personnel should have the same privacy protection as law enforcement officials, so they are not subject to retaliation or witness tampering. This measure provides such protection.

**LEGISLATIVE HISTORY:**

New bill.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

This act shall take effect on the ninetieth day after it shall have become a law.