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Via Electronic Delivery

The Honorable Kathy Hochul
Governor of the State of New York
Executive Chamber
State Capitol
Albany, New York 12224

Re: Support for S.9758 (Myrie) / A.7896 (Bores)

Dear Governor Hochul,

I write on behalf of the New York State Bar Association to request that you approve S.9758 / A.7896, which would amend the Criminal Procedure Law to provide that any writing or record made as a memorandum of an act, transaction, occurrence, or event may be received in grand jury proceedings as evidence of that act, transaction, occurrence, or event, provided it was made in the regular course of business.

In January of 2026, NYSBA approved a report that evaluated whether provisions of the Criminal Procedure Law are outdated, inconsistent with current practice, or otherwise in need of revision. The Task Force included a broad cross-section of stakeholders from across the criminal justice system, including criminal defense attorneys, prosecutors, public defenders, and members of the judiciary from throughout New York State.

Our report recommended adoption of this legislation. It would bring the treatment of business records in the grand jury context in line with New York's established evidentiary framework.¹ As the report explains, the current statutory language is unnecessarily narrow and outdated, limiting the categories of business records that may be presented to a grand jury. The standard adopted by the proposed legislation reflects how modern businesses create and maintain records,

¹ New York State Bar Association Criminal Procedure Law Task Force, Report of the New York State Bar Association Task Force on the New York Criminal Procedure Law at 5, 27 (Jan. 2026), <https://nysba.org/wp-content/uploads/2023/02/CPL-TF-REPORT-FINAL-REPORT-WITH-COVER-1.pdf>

including digital records, and ensures that grand juries will have access to reliable and probative evidence without unnecessary constraints.²

The bill also preserves important safeguards grounded in the business records doctrine. It maintains foundational reliability requirements and ensures that only appropriate material is considered.³

If you have questions or need additional information, please contact me or NYSBA's Director of Government Relations, Matthew Pennello, at mpennello@nysba.org or via telephone at (518) 487-5748.

Respectfully,

A handwritten signature in black ink that reads "Kathleen M. Sweet". The signature is written in a cursive, flowing style.

Kathleen M. Sweet,
President

Cc: Brian M. Mahanna, Counsel to the Governor
Denise M. Gagnon, Legislative Secretary to the Governor/ Director of Legislative Services
Megan Meyers, Deputy Director of Legislative Services

² *Id.* at 27

³ *Id.* at 27-28.