

STATE OF NEW YORK

1282

2021-2022 Regular Sessions

IN SENATE

January 8, 2021

Introduced by Sens. BENJAMIN, BIAGGI -- read twice and ordered printed,
and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law and the administrative code of the
city of New York, in relation to requiring annual reports of legal
settlement payments related to law enforcement activity

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

1 Section 1. The executive law is amended by adding a new section 837-w
2 to read as follows:

3 § 837-w. Settlement reporting. 1. The comptroller shall make an annual
4 report which details all payments made for legal settlements relating to
5 law enforcement activity. Such report shall include, but not be limited
6 to, monetary amounts, plaintiffs and named parties, and shall be
7 published on the website of the comptroller, provided, however, that the
8 comptroller shall provide every plaintiff whose name would be included
9 in the report the option to have a pseudonym used in place of such
10 plaintiff's name. Any named party in a legal settlement relating to law
11 enforcement activity who is or was a defendant in such action shall be
12 named in the report and shall not have the option to use a pseudonym in
13 place of such defendant's name. As used in this section, "law enforce-
14 ment" means every local police department, local correctional facility,
15 each county sheriff, the division of the state police, the department of
16 corrections and community supervision, and every agency that employs a
17 peace officer in this state.

18 2. The person in charge of every local police department, local
19 correctional facility, each county sheriff, the superintendent of the
20 division of the state police, the commissioner of the department of
21 corrections and community supervision, and the person in charge of every
22 agency that employs a peace officer in this state shall promptly report
23 to the comptroller all payments made for legal settlements relating to
24 law enforcement activity, including but not limited to, all information

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

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1 required to be reported pursuant to subdivision one of this section, and
2 details and descriptions of any allegations or misconduct involved in
3 each case. Notwithstanding any provision of law to the contrary, failure
4 to report all information required pursuant to the provisions of this
5 subdivision by a law enforcement agency shall result in a loss of both
6 eligibility for state funding and accreditation by the division for such
7 agency. Such eligibility for funding and accreditation by the division
8 shall be restored once such law enforcement agency is in compliance with
9 the provisions of this subdivision.

10 3. The comptroller shall promulgate regulations to effectuate the
11 reporting of data from law enforcement departments sufficient to make
12 the reports required by subdivision one of this section.

13 § 2. The administrative code of the city of New York is amended by
14 adding a new section 14-191 to read as follows:

15 § 14-191 Settlement reporting. The comptroller shall make an annual
16 report which details all payments made for legal settlements relating to
17 law enforcement activity. Such report shall include, but not be limited
18 to, monetary amounts, plaintiffs and named parties, and details and
19 descriptions of any allegations or misconduct involved in each case, and
20 shall be published on the website of the comptroller, provided, however,
21 that the comptroller shall provide every plaintiff whose name would be
22 included in the report the option to have a pseudonym used in place of
23 such plaintiff's name. Any named party in a legal settlement relating
24 to law enforcement activity who is or was a defendant in such action
25 shall be named in the report and shall not have the option to use a
26 pseudonym in place of such defendant's name. Notwithstanding any
27 provision of law to the contrary, failure to report all information
28 required pursuant to the provisions of this section by a law enforcement
29 agency to the comptroller shall result in a loss of both eligibility for
30 city funding and accreditation for such agency. Such eligibility for
31 funding and accreditation shall be restored once such law enforcement
32 agency is in compliance with the provisions of this section.

33 § 3. This act shall take effect immediately.