

STATE OF NEW YORK

727

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. MYRIE, COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to recordings found on police cameras and establishing the Panel of Experts on the Use and Disclosure of Recorded Video, Digital Audio, Film and Photographs

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

1 Section 1. Subdivision (i) of section 3101 of the civil practice law
2 and rules, as added by chapter 574 of the laws of 1993, is amended to
3 read as follows:

4 (i) In addition to any other matter which may be subject to disclo-
5 sure, there shall be full disclosure of any films, photographs, video
6 tapes ~~[or]~~, audio tapes, or all recordings found on a police or peace
7 officer's body camera and/or camera installed in a police or peace offi-
8 cer's vehicle, including transcripts or memoranda thereof, involving a
9 person referred to in paragraph one of subdivision (a) of this section.
10 There shall be disclosure of all portions of such material, including
11 out-takes, rather than only those portions a party intends to use. The
12 provisions of this subdivision shall not apply to materials compiled for
13 law enforcement purposes which are exempt from disclosure under section
14 eighty-seven of the public officers law.

15 § 2. a. The attorney general shall establish a panel entitled the
16 "Panel of Experts on the Use and Disclosure of Recorded Video, Digital
17 Audio, Film and Photographs". The panel shall consist of at least 15
18 members selected by the attorney general and appointed from the follow-
19 ing fields:

20 (1) attorneys practicing or having practiced in the field of criminal
21 defense;

22 (2) former police officers;

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

LBD02338-01-1

- 1 (3) former district attorneys;
- 2 (4) public advocates;
- 3 (5) attorneys practicing or having practiced in the field of civil
- 4 rights;
- 5 (6) experts in videography; and
- 6 (7) experts in digital audio recording.

7 b. The panel shall develop and propose statewide uniform regulations
8 and rules regarding the use and disclosure of:

9 (1) all content from body cameras or any recording device worn by a
10 police officer or peace officer during the execution of his or her
11 duties, including, but not limited to, recordings, films, photographs,
12 videotapes and/or audiotapes; and

13 (2) all content from cameras or recording devices used at any facility
14 by police officers or peace officers during the execution of their
15 duties.

16 c. All state, county, city and town law enforcement departments shall
17 adopt as their standard operating procedures the statewide uniform regu-
18 lations and rules proposed by the panel within ninety days of the final-
19 ization of such operating procedures.

20 § 3. This act shall take effect immediately.