

# STATE OF NEW YORK

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2074--B

2025-2026 Regular Sessions

## IN ASSEMBLY

January 15, 2025

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Introduced by M. of A. BERGER, PHEFFER AMATO, WIEDER, WILLIAMS, BUTTENS-CHON, EICHENSTEIN, YEGER, WOERNER, STERN, P. CARROLL, SAYEGH, KASSAY, GRIFFIN, SIMPSON, O'PHARROW, SANTABARBARA, COLTON, KAY, CONRAD, McMAY, FALL, SCHIAVONI, RAJKUMAR, HEVESI, BURKE, ROZIC, JONES -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law and the public officers law, in relation to the sealing of certain claims against law enforcement officers

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

1 Section 1. Legislative intent. The legislature finds and declares that  
2 it is of critical importance that law enforcement officers who dutifully  
3 serve our communities shall always have available to them the opportu-  
4 nity to, among other things, secure loans for homeownership, pursue  
5 further employment, and participate fully in the life of the community  
6 in which they reside. The legislature further finds that the prospect of  
7 their being able to do the aforementioned is dampened by the fact that  
8 currently, an unfounded or exonerated claim made against a law enforce-  
9 ment officer remains in their respective personnel record, and, absent  
10 language in their applicable collective bargaining agreement, there  
11 exists no method of recourse for them to have such claims removed from  
12 their record. Unfounded claims are those claims that are made against  
13 law enforcement officers that, upon investigation, are determined to  
14 lack factual basis and are dismissed without disciplinary actions or  
15 criminal charges; exonerated claims are claims that are made against a  
16 law enforcement officer where the alleged conduct occurred but was  
17 determined to be lawful. It is, therefore, the intent of the legislature

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

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1 to strike a delicate balance between maintaining transparency regarding  
2 previous conduct of law enforcement officers, how police departments  
3 investigate and adjudicate claims of misconduct, and policing procedures  
4 more generally, and ensuring that unfounded and exonerated claims made  
5 against law enforcement officers do not unjustly cast a permanent shadow  
6 over an otherwise admirable career in public service.

7 § 2. The executive law is amended by adding a new section 845-f to  
8 read as follows:

9 § 845-f. Sealing of certain claims against law enforcement officers.

10 1. Definitions. For purposes of this section, the following terms shall  
11 have the following meanings:

12 (a) "Unfounded claim" shall mean any complaint or allegation made  
13 against a law enforcement officer that, upon investigation, is deter-  
14 mined to lack factual basis and is dismissed without disciplinary action  
15 or criminal charges.

16 (b) "Exonerated claim" shall mean any complaint or allegation made  
17 against a law enforcement officer where the alleged conduct occurred but  
18 was deemed lawful and proper.

19 (c) "Pending claim" shall mean any complaint or allegation made  
20 against a law enforcement officer for which no final determination has  
21 been made regarding such complaint or allegation.

22 (d) "Law enforcement officer" shall mean a police officer as defined  
23 in subdivision thirty-four of section 1.20 of the criminal procedure  
24 law.

25 (e) "Seal" or "sealing" shall mean the process by which records of  
26 unfounded claims are rendered inaccessible to the public, with limited  
27 exceptions as set forth in this section.

28 2. Sealing of unfounded claims, exonerated claims, and pending claims.

29 (a) Any unfounded claim made against a law enforcement officer shall be  
30 automatically sealed upon final determination of unfounded status.

31 (b) Any exonerated claim made against a law enforcement officer shall  
32 be automatically sealed upon final determination of exonerated status.

33 (c) Notwithstanding any other provision of law to the contrary, pend-  
34 ing claims shall be sealed.

35 3. Exceptions and access to sealed records. (a) Sealed records of  
36 unfounded, exonerated, or pending claims shall remain accessible to:

37 (i) law enforcement agencies for the purpose of internal investi-  
38 gations or audits;

39 (ii) the New York state attorney general's office and district attor-  
40 neys for prosecutorial purposes, if relevant to a criminal investi-  
41 gation; and

42 (iii) the civilian complaint review board or other authorized over-  
43 sight bodies during an active investigation involving an officer.

44 (b) Sealed records shall not be disclosed or made available to the  
45 public, media, or any non-authorized entities.

46 4. Implementation and responsibilities. (a) The division shall be  
47 responsible for overseeing the implementation of this section, including  
48 but not limited to:

49 (i) ensuring that all eligible unfounded, exonerated, or pending  
50 claims are sealed in accordance with this section; and

51 (ii) maintaining a secure and confidential system for storing and  
52 accessing sealed records in accordance with this section.

53 (b) Law enforcement agencies shall be required to update their records  
54 management systems to comply with the provisions of this section and to  
55 report compliance to the division annually.

1 § 3. Paragraphs (c) and (d) of subdivision 2-b of section 89 of the  
2 public officers law, as added by chapter 96 of the laws of 2020, are  
3 amended and three new paragraphs (e), (f) and (g) are added to read as  
4 follows:

5 (c) any social security numbers; [~~o~~]

6 (d) disclosure of the use of an employee assistance program, mental  
7 health service, or substance abuse assistance service by a person  
8 employed by a law enforcement agency as defined in section eighty-six of  
9 this article as a police officer, peace officer, or firefighter or  
10 firefighter/paramedic, unless such use is mandated by a law enforcement  
11 disciplinary proceeding that may otherwise be disclosed pursuant to this  
12 article[+];

13 (e) unfounded claims, as defined in paragraph (a) of subdivision one  
14 of section eight hundred forty-five-f of the executive law, made against  
15 a police officer, as defined in subdivision thirty-four of section 1.20  
16 of the criminal procedure law;

17 (f) exonerated claims, as defined in paragraph (b) of subdivision one  
18 of section eight hundred forty-five-f of the executive law, made against  
19 a police officer, as defined in subdivision thirty-four of section 1.20  
20 of the criminal procedure law; or

21 (g) pending claims, as defined in paragraph (c) of subdivision one of  
22 section eight hundred forty-five-f of the executive law, made against a  
23 police officer, as defined in subdivision thirty-four of section 1.20 of  
24 the criminal procedure law.

25 § 4. This act shall take effect on the ninetieth day after it shall  
26 have become a law. Effective immediately, the addition, amendment,  
27 and/or repeal of any rule or regulation necessary for the implementation  
28 of this act on its effective date are authorized to be made and  
29 completed on or before such effective date.