S T A T E O F N E W Y O R K

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R. R. 113

I N A S S E M B L Y

May 24, 2010

Introduced by M. of A. JEFFRIES, AUBRY, MILLMAN, CHRISTENSEN, PEOPLES-STOKES, BENJAMIN, GIBSON, CRESPO, ROBINSON, N. RIVERA, PERRY, CAMARA -- Multi-Sponsored by -- M. of A. FARRELL, GLICK, GOTTFRIED, LIFTON, ORTIZ, REILLY, TOWNS -- read once and referred to the Committee on Codes -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the criminal procedure law, in relation to temporary questioning of persons in public places in cities with a population of one million or more

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 140.50 of the criminal procedure law is amended by adding a new subdivision 4 to read as follows:

4. IN CITIES WITH A POPULATION OF ONE MILLION OR MORE, INFORMATION THAT ESTABLISHES THE PERSONAL IDENTITY OF AN INDIVIDUAL WHO HAS BEEN STOPPED, QUESTIONED AND/OR FRISKED BY A POLICE OFFICER OR PEACE OFFICER, SUCH AS THE NAME, ADDRESS OR SOCIAL SECURITY NUMBER OF SUCH PERSON, SHALL NOT BE RECORDED IN A COMPUTERIZED OR ELECTRONIC DATABASE IF THAT INDIVIDUAL IS RELEASED WITHOUT FURTHER LEGAL ACTION; PROVIDED, HOWEVER, THAT THIS SUBDIVISION SHALL NOT PROHIBIT POLICE OFFICERS OR PEACE OFFICERS FROM INCLUDING IN A COMPUTERIZED OR ELECTRONIC DATABASE GENERIC CHARACTERISTICS OF AN INDIVIDUAL, SUCH AS RACE AND GENDER, WHO HAS BEEN STOPPED, QUESTIONED AND/OR FRISKED BY A POLICE OFFICER OR PEACE OFFICER.

S 2. This act shall take effect immediately.

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

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