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

4053

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. GANTT -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the civil rights law, in relation to civilian complaint review boards

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

Section 1. Subdivision 1 of section 50-a of the civil rights law, as amended by chapter 137 of the laws of 2002, is amended to read as follows:

1. All personnel records, used to evaluate performance toward continued employment or promotion, under the control of any police agency or department of the state or any political subdivision thereof including authorities or agencies maintaining police forces of individuals defined as police officers in section 1.20 of the criminal procedure law and such personnel records under the control of a sheriff's department or a department of correction of individuals employed as correction officers and such personnel records under the control of a paid fire department or force of individuals employed as firefighters or firefighter/paramedics and such personnel records under the control of the division of parole for individuals defined as peace officers pursuant to subdivisions twenty-three and twenty-three-a of section 2.10 of the criminal procedure law shall be considered confidential and not subject to inspection or review without the express written consent of such police officer, firefighter, firefighter/paramedic, correction officer or peace officer within the division of parole except as may be mandated by lawful court order, AND EXCEPT THAT A MEMBER OF A CIVILIAN COMPLAINT REVIEW BOARD THAT IS RESPONSIBLE FOR INVESTIGATING POLICE MISCONDUCT MAY PETITION THE COURT FOR AN ORDER PERMITTING DISCLOSURE OF ALL PERSONNEL RECORDS IF THOSE RECORDS RELATE TO AN OFFICER WHO WAS INVOLVED IN A POLICE SHOOTING OR POLICE MISCONDUCT.

S 2. This act shall take effect immediately.

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

LBD02508-01-9