

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:

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

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

25 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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