

1779

2009-2010 Regular Sessions

I N S E N A T E

February 6, 2009

Introduced by Sens. PARKER, ONORATO, SMITH -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

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.

LBD02508-01-9