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

7945

I N S E N A T E

May 25, 2010

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to temporary questioning of persons in public places

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. 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 PROVISION DOES NOT PROHIBIT POLICE 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.

LBD17469-01-0