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

6903

2011-2012 Regular Sessions

I N A S S E M B L Y

April 5, 2011

Introduced by M. of A. JEFFRIES, CAMARA, GUNTHER, JAFFEE, LAVINE, MAISEL, MARKEY, MOYA, N. RIVERA, SCHIMEL, SPANO, STEVENSON, TITONE, WEISENBERG, WEPRIN -- Multi-Sponsored by -- M. of A. BOYLAND, McENENY, PHEFFER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to authorizing the denial of access to public records or portions thereof that include the names or addresses of retired police officers

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

Section 1. Subparagraphs iii and iv of paragraph (g), and paragraphs (h), (i), (j), (k) and (l) of subdivision 2 of section 87 of the public officers law, subparagraph iii of paragraph (g) as amended and subparagraph iv of paragraph (g) as added by chapter 510 of the laws of 1999, paragraph (h) as added by chapter 933 of the laws of 1977, paragraph (i) as amended by chapter 154 of the laws of 2010, paragraph (j) as added by chapter 746 of the laws of 1988, paragraph (k) as separately added by chapters 19, 20, 21, 22, 23 and 383 of the laws of 2009 and paragraph (l) as added by section 12 of part II of chapter 59 of the laws of 2010, are amended and a new paragraph (m) is added to read as follows:

iii. final agency policy or determinations; OR

iv. external audits, including but not limited to audits performed by the comptroller and the federal government;[or]

(h) are examination questions or answers which are requested prior to the final administration of such questions[.];

(i) if disclosed, would jeopardize the capacity of an agency or an entity that has shared information with an agency to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; [or]

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

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(j) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-a of the vehicle and traffic law[.];

(k) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-b of the vehicle and traffic law[.];

(l) are photographs, microphotographs, videotape or other recorded images produced by a bus lane photo device prepared under authority of section eleven hundred eleven-c of the vehicle and traffic law[.]; AND

(M) ARE THE NAMES AND/OR ADDRESSES OF RETIRED POLICE OFFICERS, "POLICE OFFICERS" AS DEFINED BY SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, WHICH IF DISCLOSED WOULD LIKELY RESULT IN PUBLIC DISSEMINATION OF SUCH INFORMATION, UNLESS THE REQUESTING PERSON DEMONSTRATES TO THE AGENCY THAT THERE EXISTS A COMPELLING PUBLIC INTEREST IN PUBLIC DISSEMINATION OF SUCH INFORMATION AND THAT SUCH PUBLIC DISSEMINATION WOULD NOT JEOPARDIZE THE SAFETY OR WELL-BEING OF SUCH OFFICERS OR THE FAMILIES OF SUCH OFFICERS.

S 2. Section 89 of the public officers law is amended by adding a new subdivision 7-a to read as follows:

7-A. NOTHING IN THIS ARTICLE SHALL REQUIRE THE DISCLOSURE OF THE NAMES AND/OR ADDRESSES OF RETIRED POLICE OFFICERS, "POLICE OFFICERS" AS DEFINED BY SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, WHICH IF DISCLOSED WOULD LIKELY RESULT IN PUBLIC DISSEMINATION OF SUCH INFORMATION, UNLESS THE REQUESTING PERSON DEMONSTRATES TO THE AGENCY THAT THERE EXISTS A COMPELLING PUBLIC INTEREST IN PUBLIC DISSEMINATION OF SUCH INFORMATION AND THAT SUCH PUBLIC DISSEMINATION WOULD NOT JEOPARDIZE THE SAFETY OR WELL-BEING OF SUCH OFFICERS OR THE FAMILIES OF SUCH OFFICERS.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, that:

(a) the amendments to paragraph (j) of subdivision 2 of section 87 of the public officers law, made by section one of this act, shall not affect the expiration and repeal of such paragraph and shall expire and be deemed repealed therewith;

(b) the amendments to paragraph (k) of subdivision 2 of section 87 of the public officers law, made by section one of this act, shall not affect the expiration and repeal of such paragraph and shall expire and be deemed repealed therewith;

(c) the amendments to paragraph (l) of subdivision 2 of section 87 of the public officers law, made by section one of this act, shall not affect the expiration and repeal of such paragraph and shall expire and be deemed repealed therewith; and

(d) effective immediately, any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.