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

9974

I N A S S E M B L Y

April 27, 2012

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

AN ACT to amend the executive law, in relation to motorcycle profiling

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

Section 1. The executive law is amended by adding a new section 839-a to read as follows:

S 839-A. MOTORCYCLE PROFILING. 1. THE MUNICIPAL POLICE TRAINING COUNCIL SHALL ENSURE THAT ISSUES RELATED TO MOTORCYCLE PROFILING ARE ADDRESSED IN BASIC LAW ENFORCEMENT TRAINING AND OFFERED TO IN-SERVICE LAW ENFORCEMENT OFFICERS IN CONJUNCTION WITH EXISTING TRAINING REGARDING PROFILING.

2. LOCAL LAW ENFORCEMENT AGENCIES SHALL ADD A STATEMENT CONDEMNING MOTORCYCLE PROFILING TO EXISTING POLICIES REGARDING PROFILING.

3. FOR THE PURPOSES OF THIS SECTION, "MOTORCYCLE PROFILING" MEANS THE ILLEGAL USE OF THE FACT THAT A PERSON RIDES A MOTORCYCLE OR WEARS MOTORCYCLE-RELATED PARAPHERNALIA AS A FACTOR IN DECIDING TO STOP AND QUESTION, TAKE ENFORCEMENT ACTION, ARREST, OR SEARCH A PERSON OR VEHICLE WITH OR WITHOUT A LEGAL BASIS UNDER THE UNITED STATES CONSTITUTION OR NEW YORK STATE CONSTITUTION.

S 2. This act shall take effect on the thirtieth day after it shall have become a law; provided, however that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing provisions of this act on its effective date is authorized and directed to be made and completed on or before such effective date.

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

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