

3594

2013-2014 Regular Sessions

I N A S S E M B L Y

January 28, 2013

Introduced by M. of A. LUPARDO, WEPRIN -- 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:

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

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

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

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

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

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

LBD07056-01-3