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

7158

2013-2014 Regular Sessions

I N A S S E M B L Y

May 3, 2013

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

AN ACT to amend the civil rights law, in relation to personnel records of police officers, firefighters and correction officers

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

Section 1. Subdivisions 1 and 4 of section 50-a of the civil rights law, subdivision 1 as amended by section 53 of subpart B of part C of chapter 62 of the laws of 2011 and subdivision 4 as amended by chapter 778 of the laws of 1981, are amended and two new subdivisions 5 and 6 are added to read as follows:

1. All personnel records used to evaluate performance toward continued employment or promotion, OR INFORMATION CONTAINED THEREIN, under the control of any police agency or department of the state or any political subdivision thereof including authorities or agencies maintaining police forces of individuals defined as police officers in section 1.20 of the criminal procedure law and such personnel records under the control of a sheriff's department or a department of correction of individuals employed as correction officers and such personnel records under the control of a paid fire department or force of individuals employed as firefighters or firefighter/paramedics and such personnel records under the control of the department of corrections and community supervision for individuals defined as peace officers pursuant to subdivisions twenty-three and twenty-three-a of section 2.10 of the criminal procedure law shall be considered confidential and not subject to inspection or review without the express written consent of such police officer, firefighter, firefighter/paramedic, correction officer or peace officer within the department of corrections and community supervision except as may be mandated by lawful court order.

4. The provisions of this section shall not apply to any district attorney or his OR HER assistants, the attorney general or his OR HER

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

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deputies or assistants, a county attorney or his OR HER deputies or assistants, a corporation counsel or his OR HER deputies or assistants, a town attorney or his OR HER deputies or assistants, a village attorney or his OR HER deputies or assistants, a grand jury, or any agency of government which requires the records described in subdivision one OF THIS SECTION, in the furtherance of their official functions AND PURSUANT TO AN OFFICIAL CRIMINAL INVESTIGATION.

5. UPON RECEIPT OF A REQUEST FROM AN ENTITY FOR THE RECORDS OR INFORMATION CONTAINED THEREIN DESCRIBED IN SUBDIVISION ONE OF THIS SECTION, ANY AGENCY SUBJECT TO THIS SECTION SHALL RELEASE SUCH RECORDS OR INFORMATION TO THE REQUESTING ENTITY AS SOON AS PRACTICABLE, PROVIDED THAT SUCH REQUEST IS ACCOMPANIED BY A WRITTEN AUTHORIZATION SIGNED BY THE SUBJECT EMPLOYEE AUTHORIZING THE RELEASE OF SUCH RECORDS OR INFORMATION TO THE ENTITY.

6. ANY POLICE OFFICER, FIREFIGHTER, FIREFIGHTER/PARAMEDIC, CORRECTION OFFICER OR PEACE OFFICER WITHIN THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION CLAIMING TO BE AGGRIEVED BY THE INSPECTION, REVIEW OR DISCLOSURE OF THE RECORDS OR INFORMATION CONTAINED THEREIN DESCRIBED IN SUBDIVISION ONE OF THIS SECTION, OR BY THE FAILURE OF AN AGENCY TO RELEASE SUCH RECORDS OR INFORMATION PURSUANT TO SUBDIVISION FIVE OF THIS SECTION, SHALL HAVE A CAUSE OF ACTION IN ANY COURT OF COMPETENT JURISDICTION FOR DAMAGES AND FOR INJUNCTIVE RELIEF AND SUCH OTHER REMEDIES AS MAY BE APPROPRIATE, INCLUDING REASONABLE ATTORNEY'S FEES.

S 2. This act shall take effect immediately.