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

1816

2013-2014 Regular Sessions

I N  S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. ESPAILLAT, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to authorizing police agencies to include administrative costs in fees for copies of police agency records

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 837-s to read as follows:

S 837-S. FEES FOR COPIES OF POLICE AGENCY RECORDS. 1. EXCEPT AS PROVIDED BY LAW THAT NO FEE SHALL BE CHARGED, LOCAL POLICE AGENCIES MAY CHARGE A FEE FOR SEARCHING THE POLICE AGENCY RECORDS, COPYING THE RESULTING DOCUMENTS, AND PREPARING SUCH DOCUMENTS FOR MAILING AS PROVIDED IN THIS SECTION. PROVIDED, HOWEVER, THAT NO FEE SHALL BE CHARGED ANY PUBLIC OFFICER, BOARD, BODY, AGENCY, OR DEPARTMENT OR VOLUNTEER FIRE COMPANY, FOR SEARCHES OR COPIES OF DOCUMENTS TO BE USED FOR A PUBLIC PURPOSE.

2. FEES FOR SEARCHES OF POLICE AGENCY RECORDS. (A) THE FEE FOR A SEARCH WHICH IS MADE MANUALLY BY THE POLICE AGENCY SHALL BE FIVE DOLLARS PER REQUEST.

(B) THE FEE FOR A SEARCH WHICH IS CONDUCTED BY MEANS OF AN ELECTRONIC MEDIUM SHALL BE THREE DOLLARS PER REQUEST.

3. FEES FOR COPIES OF DOCUMENTS AND PREPARATION FOR MAILING. THE FEES FOR COPIES OF DOCUMENTS, OTHER THAN ACCIDENT REPORTS, SHALL BE ONE DOLLAR PER PAGE. A PAGE SHALL CONSIST OF EITHER A SINGLE OR DOUBLE-SIDE OF ANY DOCUMENT. THE FEE FOR A COPY OF AN ACCIDENT REPORT SHALL BE FIFTEEN DOLLARS. ALL COPIES OF DOCUMENTS SHALL BE CERTIFIED AT NO ADDITIONAL FEE. WHENEVER A SEARCH OF RECORDS OF THE POLICE AGENCY IS REQUIRED IN CONJUNCTION WITH A COPY OF A DOCUMENT, THE FEE SHALL BE THE FEE FOR THE SEARCH AS PROVIDED IN SUBDIVISION TWO OF THIS SECTION. THE

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

LBD04987-01-3

RESULT OF SUCH SEARCH WILL BE THE LOCATING OF THE DOCUMENT, OR IF NO DOCUMENT CAN BE LOCATED, A CERTIFICATION TO THAT EFFECT WILL BE THE RESULT OF SUCH SEARCH. THE FEE FOR THE PREPARATION FOR MAILING, IF NECESSARY, SHALL BE TWO DOLLARS PER REQUEST.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.