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

2833

2013-2014 Regular Sessions

I N S E N A T E

January 24, 2013

Introduced by Sen. PARKER -- 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 requiring state and local law enforcement officers to identify themselves to the public

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

Section 1. Declaration of legislative intent and findings. The legislature finds that the people of the state of New York are in great debt to the hard work and dedication of police officers in their daily duties. The legislature further finds that mistrust of law enforcement officers based on real or perceived discrimination hinders law enforcement efforts and is a threat to public safety. New York state and local police policy already requires that officers wear shields and nameplates at all times while in uniform, and that they provide their rank, name, shield number and command when asked.

In adopting this act, it is the intent of the legislature to increase transparency in police practices and to build trust between police officers and members of the public by providing the public with notice of the reasons behind their encounters with the police, and a written record of their interactions with the police in situations that do not result in an arrest or summons.

S 2. The executive law is amended by adding a new article 13-B to read as follows:

ARTICLE 13-B

IDENTIFICATION OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS

SECTION 268. DEFINITIONS.

269. IDENTIFICATION OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

S 268. DEFINITIONS. AS USED IN THIS ARTICLE THE FOLLOWING WORDS SHALL HAVE THE FOLLOWING MEANINGS:

1. "LAW ENFORCEMENT ACTIVITY" SHALL MEAN ANY OF THE FOLLOWING ACTIVITIES WHEN CONDUCTED BY LAW ENFORCEMENT OFFICERS:

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

LBD07094-01-3

A. NONCUSTODIAL QUESTIONING OF INDIVIDUALS;
B. PEDESTRIAN STOPS;
C. FRISKS;
D. SEARCHES OF INDIVIDUALS' PERSONS, PROPERTY, OR POSSESSIONS (INCLUDING VEHICLES);
E. TRAFFIC STOPS;
F. ROADBLOCK OR CHECKPOINT STOPS;
G. HOME SEARCHES; AND
H. CONTACT WITH POTENTIAL VICTIMS OF AND WITNESSES TO CRIMES.

2. "NONCUSTODIAL QUESTIONING" SHALL MEAN BOTH THE ROUTINE, INVESTIGATORY QUESTIONING OF INDIVIDUALS AND THE QUESTIONING OF SUSPECTS WHERE SUCH INDIVIDUALS OR SUSPECTS HAVE NOT BEEN DETAINED AND ARE FREE TO END THE ENCOUNTER AT WILL.

S 269. IDENTIFICATION OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS. 1. UPON INITIATION OF LAW ENFORCEMENT ACTIVITY, STATE AND LOCAL LAW ENFORCEMENT OFFICERS, AS DEFINED IN THIS ARTICLE SHALL:

A. IDENTIFY THEMSELVES TO THE SUBJECT OR SUBJECTS OF THE LAW ENFORCEMENT ACTIVITY BY PROVIDING THEIR FULL NAME, RANK AND COMMAND; AND

B. PROVIDE THE SPECIFIC REASON FOR THE LAW ENFORCEMENT ACTIVITY.

C. AT THE CONCLUSION OF LAW ENFORCEMENT ACTIVITY THAT DOES NOT RESULT IN AN ARREST OR SUMMONS, THE SUBJECT OR SUBJECTS OF THE LAW ENFORCEMENT ACTIVITY SHALL BE PROVIDED WITH THE LAW ENFORCEMENT OFFICER'S BUSINESS CARD, WHICH SHALL INCLUDE, AT A MINIMUM THE NAME, RANK, AND COMMAND OF THE OFFICER.

2. PARAGRAPHS A, B, AND C OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY WHERE A LAW ENFORCEMENT OFFICER IS NOT IN UNIFORM AND IDENTIFICATION OF THE OFFICER WOULD COMPROMISE THE IMMEDIATE SAFETY OF THE PUBLIC OR LAW ENFORCEMENT OFFICERS OR WOULD SERIOUSLY COMPROMISE A SPECIFIC, ONGOING LAW ENFORCEMENT INVESTIGATION.

S 3. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.