

4818

2013-2014 Regular Sessions

I N S E N A T E

April 24, 2013

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

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:

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

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

24 4. The provisions of this section shall not apply to any district
25 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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1 deputies or assistants, a county attorney or his OR HER deputies or
2 assistants, a corporation counsel or his OR HER deputies or assistants,
3 a town attorney or his OR HER deputies or assistants, a village attorney
4 or his OR HER deputies or assistants, a grand jury, or any agency of
5 government which requires the records described in subdivision one OF
6 THIS SECTION, in the furtherance of their official functions AND PURSU-
7 ANT TO AN OFFICIAL CRIMINAL INVESTIGATION.

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

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

24 S 2. This act shall take effect immediately.