

2366

2015-2016 Regular Sessions

I N A S S E M B L Y

January 16, 2015

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

AN ACT to amend the civil rights law, in relation to civilian complaint
review boards

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

1 Section 1. Subdivision 1 of section 50-a of the civil rights law, as
2 amended by chapter 516 of the laws of 2014, is amended to read as
3 follows:
4 1. All personnel records used to evaluate performance toward continued
5 employment or promotion, under the control of any police agency or
6 department of the state or any political subdivision thereof including
7 authorities or agencies maintaining police forces of individuals defined
8 as police officers in section 1.20 of the criminal procedure law and
9 such personnel records under the control of a sheriff's department or a
10 department of correction of individuals employed as correction officers
11 and such personnel records under the control of a paid fire department
12 or force of individuals employed as firefighters or
13 firefighter/paramedics and such personnel records under the control of
14 the department of corrections and community supervision for individuals
15 defined as peace officers pursuant to subdivisions twenty-three and
16 twenty-three-a of section 2.10 of the criminal procedure law and such
17 personnel records under the control of a probation department for individuals
18 defined as peace officers pursuant to subdivision twenty-four of
19 section 2.10 of the criminal procedure law shall be considered confidential
20 and not subject to inspection or review without the express written
21 consent of such police officer, firefighter, firefighter/paramedic,
22 correction officer or peace officer within the department of corrections
23 and community supervision or probation department except as may be
24 mandated by lawful court order, AND EXCEPT THAT A MEMBER OF A CIVILIAN
25 COMPLAINT REVIEW BOARD THAT IS RESPONSIBLE FOR INVESTIGATING POLICE

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

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1 MISCONDUCT MAY PETITION THE COURT FOR AN ORDER PERMITTING DISCLOSURE OF
2 ALL PERSONNEL RECORDS IF THOSE RECORDS RELATE TO AN OFFICER WHO WAS
3 INVOLVED IN A POLICE SHOOTING OR POLICE MISCONDUCT.
4 S 2. This act shall take effect immediately.