

7682--A

2015-2016 Regular Sessions

I N A S S E M B L Y

May 22, 2015

Introduced by M. of A. PERRY -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules and the criminal procedure law, in relation to recordings found on police cameras and establishing the Panel of Experts on the Use and Disclosure of Recorded Video, Digital Audio, Film and Photographs

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

1 Section 1. Subdivision (i) of section 3101 of the civil practice law  
2 and rules, as added by chapter 574 of the laws of 1993, is amended to  
3 read as follows:  
4 (i) In addition to any other matter which may be subject to disclo-  
5 sure, there shall be full disclosure of any films, photographs, video  
6 tapes [or], audio tapes, OR ALL RECORDINGS FOUND ON A POLICE OR PEACE  
7 OFFICER'S BODY CAMERA AND/OR CAMERA INSTALLED IN A POLICE OR PEACE OFFI-  
8 CER'S VEHICLE, including transcripts or memoranda thereof, involving a  
9 person referred to in paragraph one of subdivision (a) of this section.  
10 There shall be disclosure of all portions of such material, including  
11 out-takes, rather than only those portions a party intends to use. The  
12 provisions of this subdivision shall not apply to materials compiled for  
13 law enforcement purposes which are exempt from disclosure under section  
14 eighty-seven of the public officers law.  
15 S 2. Paragraph (g) of subdivision 1 of section 240.20 of the criminal  
16 procedure law, as amended by chapter 558 of the laws of 1982, and as  
17 relettered by chapter 795 of the laws of 1984, is amended to read as  
18 follows:  
19 (g) Any tapes or other electronic recordings which the prosecutor  
20 intends to introduce at trial, irrespective of whether such recording

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

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1 was made during the course of the criminal transaction, INCLUDING ALL  
2 RECORDINGS FOUND ON A POLICE OR PEACE OFFICER'S BODY CAMERA AND/OR  
3 CAMERA INSTALLED IN A POLICE OR PEACE OFFICER'S VEHICLE;

4 S 3. a. The attorney general shall establish a panel entitled the  
5 "Panel of Experts on the Use and Disclosure of Recorded Video, Digital  
6 Audio, Film and Photograms". The panel shall consist of at least 15  
7 members selected by the attorney general and appointed from the follow-  
8 ing fields:

9 (1) attorneys practicing or having practiced in the field of criminal  
10 defense;

11 (2) former police officers;

12 (3) former district attorneys;

13 (4) public advocates;

14 (5) attorneys practicing or having practiced in the field of civil  
15 rights;

16 (6) experts in videography; and

17 (7) experts in digital audio recording.

18 b. The panel shall develop and propose statewide uniform regulations  
19 and rules regarding the use and disclosure of:

20 (1) all content from body cameras or any recording device worn by a  
21 police officer or peace officer during the execution of his or her  
22 duties, including, but not limited to, recordings, films, photographs,  
23 videotapes and/or audiotapes; and

24 (2) all content from cameras or recording devices used at any facility  
25 by police officers or peace officers during the execution of their  
26 duties.

27 c. All state, county, city and town law enforcement departments shall  
28 adopt as their standard operating procedures the statewide uniform regu-  
29 lations and rules proposed by the panel within ninety days of the final-  
30 ization of such operating procedures.

31 S 4. This act shall take effect immediately.