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

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I N S E N A T E

December 14, 2016

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

AN ACT to amend the administrative code of the city of New York, in relation to requiring all city agencies issuing summonses to document violations by photographic evidence when possible and practicable

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

Section 1. Title 7 of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

CHAPTER 10

EVIDENCE FOR AGENCY SUMMONS

S 7-1001 PHOTOGRAPHIC EVIDENCE FOR AGENCY SUMMONS. 1. ALL CITY AGENCIES ISSUING SUMMONSES THAT ARE SUBJECT TO REVIEW BY ANY ENTITY WITHIN THE OFFICE OF ADMINISTRATIVE TRIBUNALS AND HEARINGS SHALL REVIEW ALL OF THE VIOLATIONS FOR WHICH A SUMMONS MAY BE ISSUED TO DEVELOP A LIST OF VIOLATIONS THAT CAN BE PROVEN THROUGH THE USE OF PHOTOGRAPHIC EVIDENCE.

2. FOR ANY VIOLATION APPEARING ON THESE LISTS, CITY AGENCIES SHALL DOCUMENT SUCH VIOLATIONS BY PHOTOGRAPHIC EVIDENCE TAKEN AT THE TIME OF THE ISSUANCE OF A SUMMONS. SUCH PHOTOGRAPHIC EVIDENCE MAY BE GATHERED BY USING A CAMERA, MOBILE PHONE, OR ANY OTHER DEVICE CAPABLE OF PRODUCING AN ELECTRONIC PICTURE FILE.

3. WHEN IT IS EITHER IMPRACTICABLE OR IMPOSSIBLE FOR A CITY AGENCY TO DOCUMENT A VIOLATION APPEARING ON SUCH LISTS AS PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION, THE ISSUING AGENT OR OFFICER SHALL INCLUDE A STATEMENT WITHIN THE SUMMONS EXPLAINING WHY IT WAS IMPRACTICABLE OR IMPOSSIBLE TO DO SO.

4. PHOTOGRAPHIC EVIDENCE SHALL BE INCLUDED IN SUMMONS FILINGS MADE AVAILABLE ONLINE AT THE OFFICE OF ADMINISTRATIVE TRIBUNALS AND HEARING'S WEBSITE, ALLOWING A RESPONDENT TO VIEW THE PHOTOGRAPHIC EVIDENCE THAT HAS BEEN COLLECTED AGAINST HIM OR HER.

5. AGENCIES SHALL BE AUTHORIZED TO PROMULGATE RULES RELATIVE TO CREATING PROCEDURES FOR THE COLLECTION OF PHOTOGRAPHIC EVIDENCE REQUIRED BY THIS SECTION.

S 2. This act shall take effect immediately.

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

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