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I N   S E N A T E

December 14, 2016

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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:

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

3                                 CHAPTER 10

4                                 EVIDENCE FOR AGENCY SUMMONS

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

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

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

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

24    5. AGENCIES SHALL BE AUTHORIZED TO PROMULGATE RULES RELATIVE TO CREAT-  
25 ING PROCEDURES FOR THE COLLECTION OF PHOTOGRAPHIC EVIDENCE REQUIRED BY  
26 THIS SECTION.

27    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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