

3147

2015-2016 Regular Sessions

I N A S S E M B L Y

January 22, 2015

Introduced by M. of A. LUPARDO, WEPRIN, MOSLEY, STIRPE, ORTIZ, BENEDETTO, CLARK, ROBERTS, ROSENTHAL -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to motorcycle profiling

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

1 Section 1. The executive law is amended by adding a new section 839-a
2 to read as follows:
3 S 839-A. MOTORCYCLE PROFILING. 1. THE MUNICIPAL POLICE TRAINING COUNCIL SHALL ENSURE THAT ISSUES RELATED TO MOTORCYCLE PROFILING ARE
4 ADDRESSED IN BASIC LAW ENFORCEMENT TRAINING AND OFFERED TO IN-SERVICE
5 LAW ENFORCEMENT OFFICERS IN CONJUNCTION WITH EXISTING TRAINING REGARDING
6 PROFILING.
7
8 2. LOCAL LAW ENFORCEMENT AGENCIES SHALL ADD A STATEMENT CONDEMNING
9 MOTORCYCLE PROFILING TO EXISTING POLICIES REGARDING PROFILING.
10 3. FOR THE PURPOSES OF THIS SECTION, "MOTORCYCLE PROFILING" MEANS THE
11 ILLEGAL USE OF THE FACT THAT A PERSON RIDES A MOTORCYCLE OR WEARS MOTORCYCLE-RELATED PARAPHERNALIA AS A FACTOR IN DECIDING TO STOP AND QUESTION, TAKE ENFORCEMENT ACTION, ARREST, OR SEARCH A PERSON OR VEHICLE
12 WITH OR WITHOUT A LEGAL BASIS UNDER THE UNITED STATES CONSTITUTION OR
13 NEW YORK STATE CONSTITUTION.
14
15 S 2. This act shall take effect on the thirtieth day after it shall
16 have become a law; provided, however that effective immediately, the
17 addition, amendment and/or repeal of any rules or regulations necessary
18 for the implementation of the foregoing provisions of this act on its
19 effective date is authorized and directed to be made and completed on or
20 before such effective date.
21

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

LBD06325-01-5