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

8362

2015-2016 Regular Sessions

I N A S S E M B L Y

August 12, 2015

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

AN ACT to amend the civil rights law and the public officers law, in relation to excluding video camera recordings from cameras worn or used by police in the city of New York from being included as personnel records

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

Section 1. Section 50-a of the civil rights law is amended by adding a new subdivision 5 to read as follows:

5. A. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO RECORDINGS MADE OF POLICE OFFICERS, FIREFIGHTERS, FIREFIGHTER/PARAMEDICS, CORRECTION OFFICERS OR PEACE OFFICERS IN THE COURSE OF DUTY, INCLUDING RECORDINGS MADE BY BODY CAMERAS WORN BY AN OFFICER, DASHBOARD CAMERAS PLACED ON ANY PART OF AN OFFICER'S MOTOR VEHICLE, TRUCK, BICYCLE OR OTHER VEHICLE, CAMERAS MOUNTED ON A TASER OR OTHER WEAPON, OR ANY OTHER GOVERNMENT-OPERATED RECORDING DEVICE, OR THE METADATA FROM THOSE RECORDINGS.

B. ANY VIDEO RELEASED UNDER THE PROVISIONS OF THIS SECTION SHALL HAVE ALL IDENTIFYING DETAILS OF ALL PERSONS IN THE VIDEO REDACTED, INCLUDING BUT NOT LIMITED TO, FACIAL FEATURES AND VOICES AND OTHER PERSONAL INFORMATION AS DEFINED IN SUBDIVISION SEVEN OF SECTION NINETY-TWO OF THE PUBLIC OFFICERS LAW.

C. NOTHING IN THIS SECTION SHALL MODIFY THE RIGHTS OF LITIGANTS IN A CIVIL OR CRIMINAL ACTION TO ACCESS RECORDINGS OR METADATA.

D. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO DISALLOW RECORDINGS OR METADATA FROM BEING USED FOR DISCIPLINARY, HIRING OR OTHER PERSONNEL DECISIONS.

E. ANYONE WHO REQUESTS A RECORDING OR METADATA RELEASED UNDER THIS SECTION MAY ALSO REQUEST ANY OR ALL PUBLIC SAFETY AGENCY RECORDS, AS DEFINED IN SUBDIVISION EIGHT OF SECTION NINETY-TWO OF THE PUBLIC OFFI-

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

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CERS LAW, NECESSARY TO IDENTIFY ANY OFFICER IN THE RECORDING OR METADATA.

S 2. The opening paragraph of section 1-a of the civil rights law is designated subdivision 1 and a new subdivision 2 is added to read as follows:

2. THE TERM "RECORDING", AS USED IN THIS CHAPTER, SHALL MEAN AN ORIGINAL PHOTOGRAPHIC RECORD, DISC, TAPE, AUDIO OR VIDEO CASSETTE, WIRE, FILM, HARD DRIVE, FLASH DRIVE, MEMORY CARD OR OTHER DATA STORAGE DEVICE OR ANY OTHER MEDIUM ON WHICH SUCH SOUNDS, IMAGES, OR BOTH SOUNDS AND IMAGES ARE OR CAN BE RECORDED OR OTHERWISE STORED, OR A COPY OR REPRODUCTION THAT DUPLICATES IN WHOLE OR IN PART THE ORIGINAL.

S 3. Paragraph (c) of subdivision 2 of section 89 of the public officers law, as amended by section 11 of part U of chapter 61 of the laws of 2011, is amended to read as follows:

(c) Unless otherwise provided by this article, disclosure shall not be construed to constitute an unwarranted invasion of personal privacy pursuant to paragraphs (a) and (b) of this subdivision:

i. when identifying details are deleted OR REDACTED;

ii. when the person to whom a record pertains consents in writing to disclosure;

iii. when upon presenting reasonable proof of identity, a person seeks access to records pertaining to him or her; or

iv. when a record or group of records relates to the right, title or interest in real property, or relates to the inventory, status or characteristics of real property, in which case disclosure and providing copies of such record or group of records shall not be deemed an unwarranted invasion of personal privacy, provided that nothing herein shall be construed to authorize the disclosure of electronic contact information, such as an e-mail address or a social network username, that has been collected from a taxpayer under section one hundred four of the real property tax law.

S 4. This act shall take effect immediately.