STATE OF NEW YORK

8510

IN SENATE

June 6, 2020

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

AN ACT to amend the executive law and the civil rights law, in relation to police officer and peace officer hiring and transfers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The executive law is amended by adding a new section 845-e to read as follows:

§ 845-e. Police officer and peace officer hiring and transfers. 1. Police agencies shall thoroughly examine any possible internal files of police misconduct and complaints before recruiting a police officer or peace officer on a lateral transfer from another police agency, from a police department from any state or American territory, or as a new recruit.

2. No police agency shall recruit, hire, allow to enroll, or allow to transfer any police officer or peace officer where such officer was fired, relieved of his or her duty, or resigned as a result of:

(a) police misconduct;

(b) off-duty misconduct;

(c) an investigation for any kind of police misconduct and off-duty misconduct; or

(d) a misdemeanor or felony charge.

§ 2. Subdivision 1 of section 50-a of the civil rights law, as amended by chapter 516 of the laws of 2014, is amended to read as follows:

1. All personnel records used to evaluate performance toward continued employment or promotion, under the control of any police agency or department of the state or any political subdivision thereof including authorities or agencies maintaining police forces of individuals defined as police officers in section 1.20 of the criminal procedure law and such personnel records under the control of a sheriff's department or a department of correction of individuals employed as correction officers and such personnel records under the control of a paid fire department or force of individuals employed as firefighters or firefighter/paramedics and such personnel records under the control of

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

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the department of corrections and community supervision for individuals defined as peace officers pursuant to subdivisions twenty-three and twenty-three-a of section 2.10 of the criminal procedure law and such personnel records under the control of a probation department for individuals defined as peace officers pursuant to subdivision twenty-four of section 2.10 of the criminal procedure law shall be considered confidential and not subject to inspection or review without the express written consent of such police officer, firefighter, firefighter/paramedic, correction officer or peace officer within the department of corrections and community supervision or probation department except as may be mandated by lawful court order **or upon request from a police agency or department of the state or any political subdivision thereof including authorities or agencies maintaining police forces of individuals defined as police officers in section 1.20 of the criminal procedure law which is required to review such personnel records under section eight hundred forty-five-e of the executive law**.

§ 3. This act shall take effect immediately.