STATE OF NEW YORK

3139

2019-2020 Regular Sessions

IN SENATE

February 4, 2019

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

AN ACT to amend the civil practice law and rules and the criminal procedure law, in relation to recordings found on police cameras and establishing the Panel of Experts on the Use and Disclosure of Recorded Video, Digital Audio, Film and Photographs

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

Section 1. Subdivision (i) of section 3101 of the civil practice law and rules, as added by chapter 574 of the laws of 1993, is amended to read as follows:

(i) In addition to any other matter which may be subject to disclosure, there shall be full disclosure of any films, photographs, video tapes [~~or~~], audio tapes, **or all recordings found on a police or peace officer's body camera and/or camera installed in a police or peace officer's vehicle,** including transcripts or memoranda thereof, involving a person referred to in paragraph one of subdivision (a) of this section. There shall be disclosure of all portions of such material, including out-takes, rather than only those portions a party intends to use. The provisions of this subdivision shall not apply to materials compiled for law enforcement purposes which are exempt from disclosure under section eighty-seven of the public officers law.

§ 2. Paragraph (g) of subdivision 1 of section 240.20 of the criminal procedure law, as amended by chapter 558 of the laws of 1982, and as relettered by chapter 795 of the laws of 1984, is amended to read as follows:

(g) Any tapes or other electronic recordings which the prosecutor intends to introduce at trial, irrespective of whether such recording was made during the course of the criminal transaction**, including all recordings found on a police or peace officer's body camera and/or camera installed in a police or peace officer's vehicle**;

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

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§ 3. a. The attorney general shall establish a panel entitled the "Panel of Experts on the Use and Disclosure of Recorded Video, Digital Audio, Film and Photographs". The panel shall consist of at least 15 members selected by the attorney general and appointed from the following fields:

(1) attorneys practicing or having practiced in the field of criminal defense;

(2) former police officers;

(3) former district attorneys;

(4) public advocates;

(5) attorneys practicing or having practiced in the field of civil rights;

(6) experts in videography; and

(7) experts in digital audio recording.

b. The panel shall develop and propose statewide uniform regulations and rules regarding the use and disclosure of:

(1) all content from body cameras or any recording device worn by a police officer or peace officer during the execution of his or her duties, including, but not limited to, recordings, films, photographs, videotapes and/or audiotapes; and

(2) all content from cameras or recording devices used at any facility by police officers or peace officers during the execution of their duties.

c. All state, county, city and town law enforcement departments shall adopt as their standard operating procedures the statewide uniform regulations and rules proposed by the panel within ninety days of the finalization of such operating procedures.

§ 4. This act shall take effect immediately.