STATE OF NEW YORK

1607

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. CARROLL, TAYLOR, SEAWRIGHT -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to requiring arrests be recorded or else such arrest is void and the defendant is discharged

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

Section 1. Section 120.80 of the criminal procedure law is amended by adding a new subdivision 6 to read as follows:

6. A warrant for arrest shall not be executed without the execution of such warrant being recorded by a functioning and unobstructed body camera or other video recording device. If the execution of the warrant is not recorded on video by the police officers executing the warrant, the arrest shall be deemed void and the defendant shall be discharged.

§ 2. Section 140.15 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows:

5. The arresting police officer shall record such arrest using a functioning and unobstructed body camera or other video recording device. If such arrest was not recorded on video by the police officers making such arrest, such arrest shall be deemed void and the defendant shall be discharged.

§ 3. Section 140.27 of the criminal procedure law is amended by adding a new subdivision 6 to read as follows:

6. The arresting peace officer shall record such arrest using a functioning and unobstructed body camera or other video recording device. If such arrest was not recorded on video by the peace officers making such arrest, such arrest shall be deemed void and the defendant shall be discharged.

§ 4. This act shall take effect on the thirtieth day after it shall have become a law.

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

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