

# STATE OF NEW YORK

6798

2021-2022 Regular Sessions

## IN ASSEMBLY

April 8, 2021

Introduced by M. of A. BICHOTTE HERMELYN, BARRON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring state and local law enforcement officers to identify themselves to the public

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

Section 1. Declaration of legislative intent and findings. The legislature finds that the people of the state of New York are in great debt to the hard work and dedication of police officers in their daily duties. The legislature further finds that mistrust of law enforcement officers based on real or perceived discrimination hinders law enforcement efforts and is a threat to public safety. New York state and local police policy already requires that officers wear shields and nameplates at all times while in uniform, and that they provide their rank, name, shield number and command when asked.

In adopting this act, it is the intent of the legislature to increase transparency in police practices and to build trust between police officers and members of the public by providing the public with notice of the reasons behind their encounters with the police, and a written record of their interactions with the police in situations that do not result in an arrest or summons.

§ 2. The executive law is amended by adding a new section 235 to read as follows:

§ 235. Identification of law enforcement officers. 1. As used in this article the following words shall have the following meanings:

(a) "Law enforcement activity" shall mean any of the following activities when conducted by law enforcement officers:

(i) noncustodial questioning of individuals;

(ii) pedestrian stops;

(iii) frisks;

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

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1 (iv) searches of individuals' persons, property, or possessions  
2 (including vehicles);

3 (v) traffic stops;

4 (vi) roadblock or checkpoint stops;

5 (vii) home searches; and

6 (viii) contact with potential victims of and witnesses to crimes.

7 (b) "Noncustodial questioning" shall mean both the routine, investiga-  
8 tory questioning of individuals and the questioning of suspects where  
9 such individuals or suspects have not been detained and are free to end  
10 the encounter at will.

11 2. Upon initiation of law enforcement activity, state and local law  
12 enforcement officers shall:

13 (a) Identify themselves to the subject or subjects of the law enforce-  
14 ment activity by providing their full name, rank and command; and

15 (b) Provide the specific reason for the law enforcement activity.

16 (c) At the conclusion of law enforcement activity that does not result  
17 in an arrest or summons, the subject or subjects of the law enforcement  
18 activity shall be provided with the law enforcement officer's business  
19 card, which shall include, at a minimum the name, rank, command of the  
20 officer and a phone number that the subject of the law enforcement  
21 activity may use to submit comments or complaints about the encounter.

22 3. Subdivision two of this section shall not apply where a law  
23 enforcement officer is not in uniform and identification of the officer  
24 would compromise the immediate safety of the public or law enforcement  
25 officers or would seriously compromise a specific, ongoing law enforce-  
26 ment investigation.

27 § 3. Severability. If any clause, sentence, paragraph, section or part  
28 of this act shall be adjudged by any court of competent jurisdiction to  
29 be invalid, such judgment shall not affect, impair or invalidate the  
30 remainder thereof, but shall be confined in its operation to the clause,  
31 sentence, paragraph, section or part thereof directly involved in the  
32 controversy in which such judgment shall have been rendered.

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