

STATE OF NEW YORK

313

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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

AN ACT to amend the civil rights law, in relation to limiting the transport of an arrested, detained or apprehended person in an unmarked police vehicle or concealed identity police vehicle and the use of such vehicles for stops and searches

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

1 Section 1. The civil rights law is amended by adding a new section
2 73-a to read as follows:

3 § 73-a. Use of unmarked police vehicle for stop and search or trans-
4 port of arrested, detained or apprehended person. 1. No person shall be
5 transported in an unmarked police vehicle or a concealed identity police
6 vehicle after being arrested, detained or apprehended by a police offi-
7 cer or peace officer of a governmental entity who is not wearing his or
8 her police uniform unless an officer in uniform from the same govern-
9 mental entity is present for the duration of the transport.

10 2. No person shall be stopped and searched by a police officer or
11 peace officer of a governmental entity who is travelling in an unmarked
12 police vehicle or a concealed identity police vehicle unless such offi-
13 cer is wearing his or her police uniform or is accompanied by an officer
14 in uniform from the same governmental entity and such uniformed officer
15 is present for the duration of the stop and the search.

16 3. A police vehicle shall be deemed to be unmarked or have a concealed
17 identity unless it is equipped with:

18 (a) lights as authorized by subdivision forty-one of section three
19 hundred seventy-five of the vehicle and traffic law, which are displayed
20 and visible;

21 (b) a horn, siren, electronic device, or exhaust whistle from which
22 audible signals are sounded; and

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

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1 (c) an insignia identifying such vehicle as a police vehicle as
2 defined by this section.

3 4. Upon a violation of this section, an application may be made by the
4 attorney general in the name of the people of the state of New York to a
5 court or justice having jurisdiction by a special proceeding to issue an
6 injunction and, upon at least five days notice to the defendant, to
7 enjoin and restrain the continuance of such violations. If it shall
8 appear to the satisfaction of the court or justice that the defendant
9 has violated this section, an injunction may be issued by the court or
10 justice, enjoining and restraining any further violations, without
11 requiring proof that any person has, in fact, been injured or damaged
12 thereby. In any such proceeding, the court may make allowances to the
13 attorney general as provided in paragraph six of subdivision (a) of
14 section eighty-three hundred three of the civil practice law and rules,
15 and direct restitution. In connection with any such proposed applica-
16 tion, the attorney general is authorized to take proof and make a deter-
17 mination of the relevant facts and to issue subpoenas in accordance with
18 the civil practice law and rules.

19 5. For the purposes of this section:

20 (a) "governmental entity" means the state, a public authority, a
21 police district, a county, town, city, or village;

22 (b) "police officer" means a police officer as defined in subdivision
23 thirty-four of section 1.20 of the criminal procedure law;

24 (c) "peace officer" means a peace officer as defined in section 2.10
25 of the criminal procedure law; and

26 (d) "police vehicle" means every vehicle for which the state, a public
27 authority, a police district, a county, town, city, or village is the
28 owner and which is operated by the police department or law enforcement
29 agency of such governmental unit or by a constable or police constable
30 of a town when acting pursuant to his or her special duties.

31 § 2. This act shall take effect immediately.