

# STATE OF NEW YORK

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3799--A

Cal. No. 549

2021-2022 Regular Sessions

## IN SENATE

January 30, 2021

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Introduced by Sens. COMRIE, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the New York city charter, in relation to expanding the investigative scope of the Civilian Complaint Review Board to include allegations of biased-based profiling

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

1 Section 1. Paragraph 1 of subdivision (c) of section 440 of the New  
2 York city charter, as amended by a vote of the people of the city of New  
3 York at the general election held in November of 2019, is amended to  
4 read as follows:

5 1. The board shall have the power to receive, investigate, hear, make  
6 findings and recommend action upon complaints by members of the public  
7 against members of the police department that allege bias-based profil-  
8 ing or misconduct involving excessive use of force, abuse of authority,  
9 discourtesy, or use of offensive language, including, but not limited  
10 to, slurs relating to race, ethnicity, religion, gender, sexual orien-  
11 tation and disability. The board shall also have the power to investi-  
12 gate, hear, make findings and recommend action regarding the truthfulness  
13 of any material official statement made by a member of the police  
14 department who is the subject of a complaint received by the board, if  
15 such statement was made during the course of and in relation to the  
16 board's resolution of such complaint. The findings and recommendations  
17 of the board, and the basis therefor, shall be submitted to the police  
18 commissioner. No finding or recommendation shall be based solely upon an  
19 unsworn complaint or statement, nor shall prior unsubstantiated,  
20 unfounded or withdrawn complaints be the basis for any such finding or  
21 recommendation. For the purposes of this paragraph "bias-based profil-

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

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1 ing" shall mean an act by a member of the New York city police depart-  
2 ment or any other New York city law enforcement professional who rely on  
3 actual or perceived race, national origin, color, creed, age, immi-  
4 gration or citizenship status, gender, sexual orientation, disability or  
5 housing status as the determinative factor in initiating law enforcement  
6 action against an individual, rather than an individual's behavior or  
7 other information or circumstances that links a person or persons to  
8 suspected unlawful activity.

9 § 2. This act shall take effect immediately.