

# STATE OF NEW YORK

6247

2021-2022 Regular Sessions

## IN SENATE

April 19, 2021

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

AN ACT to amend the New York city charter, in relation to jurisdiction over police department discipline

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 section 2 of Question 2 of local law  
3 number 215 of the city of New York for the year 2019, is amended to read  
4 as follows:

5 1. The board and the police commissioner shall have concurrent juris-  
6 isdiction over the discipline of the New York city police department and  
7 of the police force of the department. The board shall have the power to  
8 receive, investigate, hear, make findings and [~~recommend-action~~] recom-  
9 mendations, and impose any penalty or level of discipline upon  
10 complaints, and the resolution thereof, by members of the public against  
11 members of the police department that allege misconduct involving exces-  
12 sive use of force, abuse of authority, discourtesy, or use of offensive  
13 language, including, but not limited to, slurs relating to race, ethnic-  
14 ity, religion, gender, sexual orientation and disability. The board  
15 shall also have the power to investigate, hear, make findings and  
16 [~~recommend-action~~] recommendations, and impose any penalty or level of  
17 discipline regarding the truthfulness of any material official statement  
18 made by a member of the police department who is the subject of a  
19 complaint received by the board, if such statement was made during the  
20 course of and in relation to the board's resolution of such complaint.  
21 The findings [~~and~~], recommendations, penalties or discipline of the  
22 board, and the basis therefor, shall be submitted to the police commis-  
23 sioner. No finding [~~or~~], recommendation, or discipline shall be based  
24 solely upon an unsworn complaint or statement, nor shall prior unsub-  
25 stantiated, unfounded or withdrawn complaints be the basis for any such  
26 finding [~~or~~], recommendation, or discipline.

27 § 2. This act shall take effect immediately.

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

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