

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:

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

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

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

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

20 (a) "Law enforcement activity" shall mean any of the following activ-
21 ities when conducted by law enforcement officers:

22 (i) noncustodial questioning of individuals;

23 (ii) pedestrian stops;

24 (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.