

STATE OF NEW YORK

8734

IN ASSEMBLY

January 11, 2022

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law and the civil rights law, in relation to freedom of information law disclosures related to law enforcement related records and records identifying victims; and to repeal certain provisions of the public officers law relating thereto

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

1 Section 1. Subdivision 6 of section 87 of the public officers law, as
2 added by a chapter of the laws of 2021 amending the public officers law
3 relating to requiring a particularized and specific justification for
4 denial of access to records under the freedom of information law and
5 exemption from disclosure under the freedom of information law of
6 certain law enforcement related records; and amending the civil rights
7 law relating to records identifying victims, as proposed in legislative
8 bills numbers S. 6017 and A. 5470, is REPEALED.

9 § 2. Paragraph (e) of subdivision 2 of section 87 of the public offi-
10 cers law, as amended by a chapter of the laws of 2021 amending the
11 public officers law relating to requiring a particularized and specific
12 justification for denial of access to records under the freedom of
13 information law and exemption from disclosure under the freedom of
14 information law of certain law enforcement related records; and amending
15 the civil rights law relating to records identifying victims, as
16 proposed in legislative bills numbers S. 6017 and A. 5470, is amended to
17 read as follows:

18 (e) are [~~prepared or created~~] compiled for law enforcement purposes
19 only to the extent that disclosure would:

20 i. interfere with law enforcement investigations or judicial
21 proceedings, provided however, that any agency, which is not conducting
22 the investigation that the requested records relate to, that is consid-
23 ering denying access pursuant to this subparagraph shall [~~proceed in~~
24 ~~accordance with subdivision six of this section~~] receive confirmation
25 from the law enforcement or investigating agency conducting the investi-

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

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1 gation that disclosure of such records will interfere with an ongoing
2 investigation;

3 ii. deprive a person of a right to a fair trial or impartial adjudi-
4 cation;

5 iii. identify a confidential source or disclose confidential informa-
6 tion relating to a criminal investigation; or

7 iv. reveal criminal investigative techniques or procedures, except
8 routine techniques and procedures;

9 § 3. Subdivision 1 of section 50-b of the civil rights law, as amended
10 by a chapter of the laws of 2021 amending the public officers law relat-
11 ing to requiring a particularized and specific justification for denial
12 of access to records under the freedom of information law and exemption
13 from disclosure under the freedom of information law of certain law
14 enforcement related records; and amending the civil rights law relating
15 to records identifying victims, as proposed in legislative bills numbers
16 S. 6017 and A. 5470, is amended to read as follows:

17 1. The identity of any victim of a sex offense, as defined in article
18 one hundred thirty or section 255.25, 255.26 or 255.27 of the penal law,
19 or of an offense involving the alleged transmission of the human immuno-
20 deficiency virus, shall be confidential. No ~~[portion of any]~~ report,
21 paper, picture, photograph, court file or other documents, in the custo-
22 dy or possession of any public officer or employee, which identifies
23 such a victim shall be made available for public inspection. No such
24 public officer or employee shall disclose any portion of any police
25 report, court file, or other document, which tends to identify such a
26 victim except as provided in subdivision two of this section.

27 § 4. This act shall take effect on the same date and in the same
28 manner as a chapter of the laws of 2021 amending the public officers law
29 relating to requiring a particularized and specific justification for
30 denial of access to records under the freedom of information law and
31 exemption from disclosure under the freedom of information law of
32 certain law enforcement related records; and amending the civil rights
33 law relating to records identifying victims, as proposed in legislative
34 bills numbers S. 6017 and A. 5470, takes effect.