

STATE OF NEW YORK

727--B

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. MYRIE, COMRIE, HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules and the criminal procedure law, in relation to recordings found on police cameras

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

1 Section 1. Subdivision (i) of section 3101 of the civil practice law
2 and rules, as added by chapter 574 of the laws of 1993, is amended to
3 read as follows:

4 (i) In addition to any other matter which may be subject to disclo-
5 sure, there shall be full disclosure of any films, photographs, video
6 tapes or audio tapes, including, but not limited to, all recordings made
7 or received in connection with a police or peace officer's body worn
8 camera and/or a camera installed in or on a police or peace officer's
9 vehicle, including transcripts or memoranda thereof, involving a person
10 referred to in paragraph one of subdivision (a) of this section. There
11 shall be disclosure of all portions of such material, including out-
12 takes, rather than only those portions a party intends to use. The
13 provisions of this subdivision shall not apply to materials compiled for
14 law enforcement purposes which are exempt from disclosure under section
15 eighty-seven of the public officers law.

16 § 2. Paragraph (g) of subdivision 1 of section 245.20 of the criminal
17 procedure law, as amended by section 2 of part HHH of chapter 56 of the
18 laws of 2020, is amended to read as follows:

19 (g) All tapes or other electronic recordings, including all electronic
20 recordings of 911 telephone calls made or received in connection with

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

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1 the alleged criminal incident and including, but not limited to, all
2 recordings made or received in connection with a police or peace offi-
3 cer's body worn camera and/or camera installed in or on a police or
4 peace officer's vehicle, and a designation by the prosecutor as to which
5 of the recordings under this paragraph the prosecution intends to intro-
6 duce at trial or a pre-trial hearing. If the discoverable materials
7 under this paragraph exceed ten hours in total length, the prosecution
8 may disclose only the recordings that it intends to introduce at trial
9 or a pre-trial hearing, along with a list of the source and approximate
10 quantity of other recordings and their general subject matter if known,
11 and the defendant shall have the right upon request to obtain recordings
12 not previously disclosed. The prosecution shall disclose the requested
13 materials as soon as practicable and not less than fifteen calendar days
14 after the defendant's request, unless an order is obtained pursuant to
15 section 245.70 of this article. The prosecution may withhold the names
16 and identifying information of any person who contacted 911 without the
17 need for a protective order pursuant to section 245.70 of this article,
18 provided, however, the defendant may move the court for disclosure. If
19 the prosecution intends to call such person as a witness at a trial or
20 hearing, the prosecution must disclose the name and contact information
21 of such witness no later than fifteen days before such trial or hearing,
22 or as soon as practicable.

23 § 3. This act shall take effect immediately.