

STATE OF NEW YORK

7298

2021-2022 Regular Sessions

IN SENATE

July 21, 2021

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the civil rights law, in relation to the confidentiality of personnel records of police officers, firefighters, correction officers and probation officers

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

1 Section 1. The civil rights law is amended by adding a new section
2 50-a to read as follows:

3 § 50-a. Personnel records; confidentiality of police officers, fire-
4 fighters, correction officers and probation officers. 1. All personnel
5 records used to evaluate performance toward continued employment or
6 promotion, under the control of any police agency or department of the
7 state or any political subdivision thereof including authorities or
8 agencies maintaining police forces of individuals defined as police
9 officers pursuant to subdivision thirty-four of section 1.20 of the
10 criminal procedure law and such personnel records under the control of a
11 sheriff's department or a department of correction of individuals
12 employed as correction officers and such personnel records under the
13 control of a paid fire department or force of individuals employed as
14 firefighters or firefighter/paramedics and such personnel records under
15 the control of the department of corrections and community supervision
16 for individuals defined as peace officers pursuant to subdivisions twen-
17 ty-three and twenty-three-a of section 2.10 of the criminal procedure
18 law and such personnel records under the control of a probation depart-
19 ment for individuals defined as peace officers pursuant to subdivision
20 twenty-four of section 2.10 of the criminal procedure law shall be
21 considered confidential and not subject to inspection or review without
22 the express written consent of such police officer, firefighter,
23 firefighter/paramedic, correction officer or peace officer within the

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

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1 department of corrections and community supervision or probation depart-
2 ment except as may be mandated by lawful court order.

3 2. Prior to issuing such court order the judge must review all such
4 requests and give interested parties the opportunity to be heard. No
5 such order shall issue without a clear showing of facts sufficient to
6 warrant the judge to request records for review.

7 3. If, after such hearing, the judge concludes there is a sufficient
8 basis he or she shall sign an order requiring that the personnel records
9 in question be sealed and sent directly to him or her. He or she shall
10 then review the file and make a determination as to whether the records
11 are relevant and material in the action before him or her. Upon such
12 finding the court shall make those parts of the record found to be rele-
13 vant and material available to the persons so requesting.

14 4. The provisions of this section shall not apply to any district
15 attorney or his or her assistants, the attorney general or his or her
16 deputies or assistants, a county attorney or his or her deputies or
17 assistants, a corporation counsel or his or her deputies or assistants,
18 a town attorney or his or her deputies or assistants, a village attorney
19 or his or her deputies or assistants, a grand jury, or any agency of
20 government which requires the records described in subdivision one of
21 this section, in the furtherance of their official functions.

22 § 2. This act shall take effect immediately.