STATE OF NEW YORK

7734

IN SENATE

January 7, 2022

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

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:

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rights law relating to records identifying victims, as proposed in legislative bills numbers S. 6017 and A. 5470, is REPEALED.

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

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

i. interfere with law enforcement investigations or judicial proceedings, provided however, that any agency**, which is not conducting the investigation that the requested records relate to, that is** considering denying access pursuant to this subparagraph shall [~~proceed in accordance with subdivision six of this section~~] **receive confirmation 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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gation that disclosure of such records will interfere with an ongoing investigation;

ii. deprive a person of a right to a fair trial or impartial adjudication;

iii. identify a confidential source or disclose confidential information relating to a criminal investigation; or

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

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

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

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