STATE OF NEW YORK

478

2023-2024 Regular Sessions

IN ASSEMBLY

January 9, 2023

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

AN ACT to amend the executive law and the administrative code of the city of New York, in relation to requiring annual reports of legal settlement payments related to law enforcement activity

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

Section 1. The executive law is amended by adding a new section 837-x to read as follows:

§ 837-x. Settlement reporting. 1. The comptroller shall make an annual report which details all payments made for legal settlements relating to law enforcement activity. Such report shall include, but not be limited to, monetary amounts, plaintiffs and named parties, and shall be published on the website of the comptroller, provided, however, that every plaintiff whose name would be included in the report shall have the option to have a pseudonym used in place of such plaintiff's name. Any named party in a legal settlement relating to law enforcement activity who is or was a defendant in such action shall be named in the report and shall not have the option to use a pseudonym in place of such defendant's name. As used in this section, "law enforcement" means every local police department, local correctional facility, each county sheriff, the division of the state police, the department of corrections and community supervision, and every agency that employs a peace officer in this state.

2. The person in charge of every local police department, local correctional facility, each county sheriff, the superintendent of the division of the state police, the commissioner of the department of corrections and community supervision, and the person in charge of every agency that employs a peace officer in this state shall promptly report to the comptroller all payments made for legal settlements relating to law enforcement activity, including but not limited to, all information

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

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required to be reported pursuant to subdivision one of this section, and details and descriptions of any allegations or misconduct involved in each case, and shall provide each plaintiff the opportunity to elect to use a pseudonym. Notwithstanding any provision of law to the contrary, failure to report all information required pursuant to the provisions of this subdivision by a law enforcement agency shall result in a loss of both eligibility for state funding and accreditation by the division for such agency. Such eligibility for funding and accreditation by the division shall be restored once such law enforcement agency is in compliance with the provisions of this subdivision.

3. The comptroller, in consultation with the division of criminal justice services, shall promulgate regulations to effectuate the reporting of data from law enforcement departments sufficient to make the reports required by subdivision one of this section.

4. The comptroller together with the division of criminal justice services, shall identify law enforcement departments that fail to report the required information. The division of criminal justice services shall, as part of any process to accredit police agencies, require all such agencies to report any settlements as described under this section.

§ 2. The administrative code of the city of New York is amended by adding a new section 14-193 to read as follows:

§ 14-193 Settlement reporting. The comptroller shall make an annual report which details all payments made for legal settlements relating to law enforcement activity. Such report shall include, but not be limited to, monetary amounts, plaintiffs and named parties, and details and descriptions of any allegations or misconduct involved in each case, and shall be published on the website of the comptroller, provided, however, that the comptroller shall provide every plaintiff whose name would be included in the report the option to have a pseudonym used in place of such plaintiff's name. Any named party in a legal settlement relating to law enforcement activity who is or was a defendant in such action shall be named in the report and shall not have the option to use a pseudonym in place of such defendant's name. Notwithstanding any provision of law to the contrary, failure to report all information required pursuant to the provisions of this section by a law enforcement agency to the comptroller shall result in a loss of both eligibility for city funding and accreditation for such agency. Such eligibility for funding and accreditation shall be restored once such law enforcement agency is in compliance with the provisions of this section.

§ 3. This act shall take effect immediately.