

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

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

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

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

22 § 14-193 Settlement reporting. The comptroller shall make an annual
23 report which details all payments made for legal settlements relating to
24 law enforcement activity. Such report shall include, but not be limited
25 to, monetary amounts, plaintiffs and named parties, and details and
26 descriptions of any allegations or misconduct involved in each case, and
27 shall be published on the website of the comptroller, provided, however,
28 that the comptroller shall provide every plaintiff whose name would be
29 included in the report the option to have a pseudonym used in place of
30 such plaintiff's name. Any named party in a legal settlement relating
31 to law enforcement activity who is or was a defendant in such action
32 shall be named in the report and shall not have the option to use a
33 pseudonym in place of such defendant's name. Notwithstanding any
34 provision of law to the contrary, failure to report all information
35 required pursuant to the provisions of this section by a law enforcement
36 agency to the comptroller shall result in a loss of both eligibility for
37 city funding and accreditation for such agency. Such eligibility for
38 funding and accreditation shall be restored once such law enforcement
39 agency is in compliance with the provisions of this section.

40 § 3. This act shall take effect immediately.