STATE OF NEW YORK

6457

2023-2024 Regular Sessions

IN ASSEMBLY

April 11, 2023

Introduced by M. of A. CHANDLER-WATERMAN -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to the re-assignment of police officers pending certain investigations and hearings

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

Section 1. This act shall be known and may be cited as the "one bad apple police bad behavior prevention law".

§ 2. Section 75 of the civil service law is amended by adding a new subdivision 3-b to read as follows:

3-b. Re-assignment of police officers pending investigation. (a) If a video or other evidence exists identifying a police or peace officer engaging in egregious behavior including, but not limited to, police brutality, intimidation, racial profiling, planting or fabricating evidence, unwarranted search and seizure, violating department procedures, and abuse of authority, the commissioner of police, chief officer of the department or any officer so authorized to execute such an order shall relieve the officer of his or her weapon and badge, and assign the officer to desk duty pending the investigation of and hearing and determination of charges of incompetency or misconduct.

(b) When an incident involving conduct described in paragraph (a) of this subdivision occurs, the department shall conduct an expeditious preliminary investigation to determine whether charges of incompetency or misconduct should be brought against the officer. If the preliminary investigation determines that charges should not be brought against the officer, the department may restore the officer to full status and return his or her weapon and badge. If the preliminary investigation determines that charges should be brought against the officer, the investigation and hearing of charges of incompetency or misconduct shall proceed and the department shall not restore the officer to full status nor return his or her weapon and badge until a determination regarding charges of incompetency or misconduct has been made.

§ 3. This act shall take effect immediately and shall apply to cases pending or arising on or after such effective date.

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

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