

STATE OF NEW YORK

9728--A

IN ASSEMBLY

April 3, 2024

Introduced by M. of A. REYES, BICHOTTE HERMELYN, DARLING -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to enacting the "keep police radio public act"

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

1 Section 1. This act shall be known and may be cited as the "keep
2 police radio public act".

3 § 2. The executive law is amended by adding a new section 222-a to
4 read as follows:

5 § 222-a. Law enforcement communications public access. 1. For the
6 purposes of this section, the following terms shall have the following
7 meanings:

8 (a) "emergency services organization" means a public or private agen-
9 cy, voluntary organization or group organized and functioning for the
10 purpose of providing fire, medical, ambulance, rescue, housing, food or
11 other services directed toward relieving human suffering, injury or loss
12 of life or damage to property as a result of an emergency, including
13 non-profit and governmentally-supported organizations, but excluding
14 governmental agencies.

15 (b) "encryption" means the encoding of voice communication on an
16 analog or digitally modulated radio carrier, which renders the communi-
17 cation difficult or impossible to be monitored by commercially available
18 radio receivers or scanners.

19 (c) "law enforcement agency" means any agency or department of any
20 municipality, any police district, or any agency, department, commis-
21 sion, authority or public benefit corporation of the state of New York
22 employing a police officer or police officers as that term is defined in
23 subdivision thirty-four of section 1.20 of the criminal procedure law.

24 (d) "radio communications" means verbal communications that are broad-
25 cast over a radio frequency either from a dispatch center to field
26 personnel, from field personnel to a dispatch center, or between field

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

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1 personnel, and are accessible to all personnel monitoring that frequen-
2 cy. "Radio communications" does not include private communications
3 between two devices, such as a cellular telephone, or the transmittal of
4 data to or from a mobile data terminal, tablet, text messaging device,
5 or similar device.

6 (e) "sensitive information" means any portion of a radio communication
7 that, if disclosed, would:

8 i. deprive a person of a right to a fair trial or impartial adjudi-
9 cation;

10 ii. identify a confidential source or disclose confidential informa-
11 tion relating to a criminal investigation; and

12 iii. reveal criminal investigative techniques or procedures, except
13 routine techniques and procedures.

14 2. Any law enforcement agency in the state that encrypts any portion
15 of its radio communications shall ensure that all radio communications,
16 with the exception of sensitive information, are accessible, in real
17 time, to emergency services organizations and professional journalists
18 as defined in section seventy-nine-h of the civil rights law. In the
19 event that a law enforcement agency does encrypt radio communications
20 pursuant to this subdivision, the department of state shall, for the
21 purpose of verifying credentials, establish and administer a process for
22 granting real-time access to radio communications to emergency services
23 organizations and to professional journalists. Such a process for
24 granting access shall take no more than five business days to complete.

25 3. The department of state shall promulgate rules, regulations and
26 standards deemed necessary to implement the provisions of this section.

27 § 3. This act shall take effect on the ninetieth day after it shall
28 have become a law.