STATE OF NEW YORK

4313

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

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

AN ACT to amend the criminal procedure law, in relation to requiring all police officers and peace officers involved in the execution of a search warrant or other entry onto a premises to wear body cameras

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

Section 1. Section 690.50 of the criminal procedure law is amended by adding a new subdivision 3-a to read as follows:

3-a. A search warrant shall not be executed without the execution of such warrant being recorded by a functioning and unobstructed body camera or other functioning and unobstructed video recording device. Each police officer involved in the execution of a search warrant must wear a functioning and unobstructed body camera or other functioning and unobstructed video recording device that shall be active prior to and throughout the execution of the search and during any related action following the execution of the search warrant, including, but not limited to the securing of persons or evidence.

§ 2. (a) Notwithstanding any law, rule or regulation to the contrary, prior to a police officer or peace officer entering a property or premises, regardless if such police officer or peace officer has received consent to enter such property or premises, or if there are exigent or emergency circumstances or such police officer or peace officer is otherwise authorized to enter such property or premises, such police officer or peace officer shall wear and turn on a body camera or other functioning and unobstructed video recording device. Each police officer or peace officer who enters such property or premises must wear a functioning and unobstructed body camera or other functioning and unobstructed video recording device that shall be active prior to and throughout the duration of such police officer's or peace officer's occupation of such property or premises and during any related action

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

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following such duration, including, but not limited to the securing of persons or evidence.

(b) As used in this act, "police officer" and "peace officer" shall have the same meaning as subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law.

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