

STATE OF NEW YORK

4595

2023-2024 Regular Sessions

IN SENATE

February 10, 2023

Introduced by Sens. PALUMBO, GALLIVAN, MATTERA, OBERACKER, STEC, WEIK --
read twice and ordered printed, and when printed to be committed to
the Committee on Investigations and Government Operations

AN ACT to amend the public officers law, in relation to prohibiting the
public disclosure of unsubstantiated or unfounded complaints, allega-
tions and charges made against law enforcement officers

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

1 Section 1. Section 86 of the public officers law is amended by adding
2 two new subdivisions 12 and 13 to read as follows:

3 12. "Unsubstantiated complaint, allegation or charge" means any
4 complaint, allegation or charge against a person employed by a law
5 enforcement agency as defined in this section as a police officer, peace
6 officer, or firefighter or firefighter/paramedic where the evidence is
7 insufficient to determine whether the person employed by a law enforce-
8 ment agency did or did not commit misconduct.

9 13. "Unfounded complaint, allegation or charge" means any complaint,
10 allegation or charge against a person employed by a law enforcement
11 agency as defined in this section as a police officer, peace officer, or
12 firefighter or firefighter/paramedic where there is sufficient credible
13 evidence to believe that the subject employed by a law enforcement agen-
14 cy did not commit the alleged act.

15 § 2. Subdivision 4-b of section 87 of the public officers law, as
16 added by chapter 96 of the laws of 2020, is amended to read as follows:

17 4-b. A law enforcement agency responding to a request for law enforce-
18 ment disciplinary records, as defined in section eighty-six of this
19 article, [~~may~~] shall redact any portion of such record containing the
20 information specified in subdivision two-c of section eighty-nine of
21 this article prior to disclosing such record under this article.

22 § 3. Subdivision 2-c of section 89 of the public officers law, as
23 added by chapter 96 of the laws of 2020, is amended to read as follows:

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

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1 2-c. For records that constitute "law enforcement disciplinary
2 records" as defined in subdivision six of section eighty-six of this
3 article, a law enforcement agency [~~may~~] shall redact records pertaining
4 to technical infractions as defined in subdivision nine of section
5 eighty-six of this article and records pertaining to complaints, allega-
6 tions and charges against a person employed by a law enforcement agency
7 that are unsubstantiated or unfounded as defined by subdivisions twelve
8 and thirteen of section eighty-six of this article prior to disclosing
9 such records under this article.
10 § 4. This act shall take effect immediately.