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, allegations and charges made against law enforcement officers

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

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

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

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

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

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

§ 3. Subdivision 2-c of section 89 of the public officers law, as 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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2-c. For records that constitute "law enforcement disciplinary records" as defined in subdivision six of section eighty-six of this article, a law enforcement agency [~~may~~] **shall** redact records pertaining to technical infractions as defined in subdivision nine of section eighty-six of this article **and records pertaining to complaints, allegations and charges against a person employed by a law enforcement agency that are unsubstantiated or unfounded as defined by subdivisions twelve and thirteen of section eighty-six of this article** prior to disclosing such records under this article.

§ 4. This act shall take effect immediately.