

STATE OF NEW YORK

7327

2023-2024 Regular Sessions

IN SENATE

May 19, 2023

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

AN ACT to amend the New York city charter, in relation to jurisdiction over police department discipline

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

1 Section 1. Paragraph 1 of subdivision (c) of section 440 of the New
2 York city charter, as amended by local law number 24 of the city of New
3 York for the year 2022, is amended to read as follows:

4 1. The board and the police commissioner shall have concurrent juris-
5 isdiction over the discipline of the New York city police department and
6 of the police force of the department. The board shall have the power to
7 receive, investigate, hear, make findings and [~~recommend-action~~] recom-
8 mendations, and impose any penalty or level of discipline upon
9 complaints, and the resolution thereof, by members of the public or
10 complaints initiated by the board against members of the police depart-
11 ment that allege misconduct involving excessive use of force, abuse of
12 authority including bias-based policing and racial profiling, discourte-
13 sy, or use of offensive language, including, but not limited to, slurs
14 relating to race, ethnicity, religion, gender, sexual orientation and
15 disability. The board shall also have the power to investigate, hear,
16 make findings and [~~recommend-action~~] recommendations, and impose any
17 penalty or level of discipline regarding the truthfulness of any materi-
18 al official statement made by a member of the police department who is
19 the subject of a complaint received or initiated by the board, if such
20 statement was made during the course of and in relation to the board's
21 resolution of such complaint. The findings [~~and~~], recommendations,
22 penalties or discipline of the board, and the basis therefor, shall be
23 submitted to the police commissioner. No finding or recommendation shall
24 be based solely upon an unsworn complaint or statement, nor shall prior

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

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1 unsubstantiated, unfounded or withdrawn complaints be the basis for any
2 such finding [~~or~~], recommendation, penalty or discipline.
3 § 2. This act shall take effect immediately.