

STATE OF NEW YORK

7759

2023-2024 Regular Sessions

IN SENATE

November 17, 2023

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

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) "duly authorized media representative or organization" means a
9 duly authorized representative or organization of any print, digital, or
10 broadcast news service.

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

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

22 (d) "law enforcement agency" means any agency or department of any
23 municipality, any police district, or any agency, department, commis-
24 sion, authority or public benefit corporation of the state of New York

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

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1 employing a police officer or police officers as that term is defined in
2 subdivision thirty-four of section 1.20 of the criminal procedure law.

3 (e) "radio communications" means verbal communications that are broad-
4 cast over a radio frequency either from a dispatch center to field
5 personnel, from field personnel to a dispatch center, or between field
6 personnel, and are accessible to all personnel monitoring that frequen-
7 cy. "Radio communications" does not include private communications
8 between two devices, such as a cellular telephone, or the transmittal of
9 data to or from a mobile data terminal, tablet, text messaging device,
10 or similar device.

11 (f) "sensitive information" means any portion of a radio communication
12 that, if disclosed, would:

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

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

17 iii. reveal criminal investigative techniques or procedures, except
18 routine techniques and procedures.

19 2. Any law enforcement agency in the state that encrypts any portion
20 of its radio communications shall adopt a written radio encryption poli-
21 cy that meets the requirements of paragraphs (a) and (b) of this subdivi-
22 vision:

23 (a) The law enforcement agency shall ensure that all radio communi-
24 cations, with the exception of sensitive information, are accessible, in
25 real time, to duly authorized media representatives or organizations and
26 to emergency services organizations. In the event that a law enforcement
27 agency does encrypt radio communications pursuant to this subdivision,
28 the department of state shall, for the purpose of verifying credentials,
29 establish and administer a process for granting real-time access to
30 radio communications to duly authorized media representatives or organ-
31 izations and to emergency services organizations. Such a process for
32 granting access shall take no more than five business days to complete.

33 (b) The law enforcement agency shall ensure that all radio communi-
34 cations, with the exception of sensitive information, are accessible to
35 the general public up to, but no greater than, ten minutes after such
36 communications took place.

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