

STATE OF NEW YORK

9647

IN ASSEMBLY

March 27, 2024

Introduced by M. of A. CHANG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law and the administrative code of the city of New York, in relation to defense and indemnification of officers and employees of public entities; and to repeal chapter 8 of title 8 of the administrative code of the city of New York relating to the right of security against unreasonable search and seizure

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

1 Section 1. Subdivision 2 of section 18 of the public officers law, as
2 added by chapter 277 of the laws of 1981, is amended to read as follows:

3 2. The provisions of this section shall apply to [~~any public entity~~]:

4 (a) a city with a population of one million or more; and

5 (b) any other public entity:

6 (i) whose governing body has agreed by the adoption of local law,
7 by-law, resolution, rule or regulation [~~(i)~~] (1) to confer the benefits
8 of this section upon its employees, and [~~(ii)~~] (2) to be held liable for
9 the costs incurred under these provisions; or

10 [~~(b)~~] (ii) where the governing body of a municipality, for whose bene-
11 fit the public entity has been established, has agreed by the adoption
12 of local law or resolution [~~(i)~~] (1) to confer the benefits of this
13 section upon the employees of such public entity, and [~~(ii)~~] (2) to be
14 held liable for the costs incurred under these provisions.

15 § 2. Chapter 8 of title 8 of the administrative code of the city of
16 New York is REPEALED.

17 § 3. Section 7-114 of the administrative code of the city of New York,
18 as amended by local law number 48 of the city of New York for the year
19 2021, is amended to read as follows:

20 § 7-114 Civil actions regarding the police department [~~and covered~~
21 ~~individuals~~]. [~~a. For purposes of this section, the term "covered indi-~~
22 ~~vidual" has the meaning ascribed to such term in section 8-801.~~

23 ~~b.~~ No later than January 31, 2018 and no later than each July 31 and
24 January 31 thereafter, the law department shall post on its website, and
25 provide notice of such posting to the individual responsible for imple-

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

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1 mentioning the duties set forth in paragraph one of subdivision c of
2 section 803 of the charter, the comptroller, the police department, the
3 civilian complaint review board, and the commission to combat police
4 corruption the following information regarding civil actions filed in
5 local, state or federal court against the police department [~~or a~~
6 ~~covered individual, or both,~~] resulting from allegations of improper
7 police conduct[, ~~including, but not limited to, claims involving the use~~
8 ~~of force, assault and battery, malicious prosecution, false arrest or~~
9 ~~imprisonment, or deprivation of a right pursuant to chapter 8 of title~~
10 ~~8~~]:

11 1. a list of civil actions filed against the police department or a
12 covered individual, or both, during the five-year period preceding each
13 January 1 or July 1 immediately preceding each report;

14 2. for each such action: (i) the identities of the plaintiffs and
15 defendants; (ii) the court in which the action was filed; (iii) the name
16 of the law firm representing the plaintiff; (iv) the name of the law
17 firm or agency representing each defendant; (v) the date the action was
18 filed; and (vi) whether the plaintiff alleged improper police conduct[~~r~~
19 ~~including, but not limited to, claims involving use of force, assault~~
20 ~~and battery, malicious prosecution, false arrest or imprisonment, or~~
21 ~~deprivation of a right pursuant to chapter 8 of title 8~~]; and

22 3. if an action has been resolved: (i) the date on which it was
23 resolved; (ii) the manner in which it was resolved; and (iii) whether
24 the resolution included a payment to the plaintiff by the city, or by a
25 covered individual or an employer or other person paying on behalf of a
26 covered individual, and, if so, the amount of such payment.

27 § 4. This act shall take effect immediately.