

# STATE OF NEW YORK

7759--A

2023-2024 Regular Sessions

## IN SENATE

November 17, 2023

Introduced by Sens. GIANARIS, FERNANDEZ, GONZALEZ, HOYLMAN-SIGAL, PARKER, SALAZAR, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

19 (c) "law enforcement agency" means any agency or department of any  
20 municipality, any police district, or any agency, department, commis-  
21 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 (d) "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 (e) "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 ensure that all radio communications,  
21 with the exception of sensitive information, are accessible, in real  
22 time, to emergency services organizations and professional journalists  
23 as defined in section seventy-nine-h of the civil rights law. In the  
24 event that a law enforcement agency does encrypt radio communications  
25 pursuant to this subdivision, the department of state shall, for the  
26 purpose of verifying credentials, establish and administer a process for  
27 granting real-time access to radio communications to emergency services  
28 organizations and to professional journalists. Such a process for  
29 granting access shall take no more than five business days to complete.

30 3. The department of state shall promulgate rules, regulations and  
31 standards deemed necessary to implement the provisions of this section.

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