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:

Section 1. This act shall be known and may be cited as the "keep police radio public act".

§ 2. The executive law is amended by adding a new section 222-a to read as follows:

§ 222-a. Law enforcement communications public access. 1. For the purposes of this section, the following terms shall have the following meanings:

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

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

(c) "law enforcement agency" means any agency or department of any municipality, any police district, or any agency, department, commission, 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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employing a police officer or police officers as that term is defined in subdivision thirty-four of section 1.20 of the criminal procedure law.

(d) "radio communications" means verbal communications that are broadcast over a radio frequency either from a dispatch center to field personnel, from field personnel to a dispatch center, or between field personnel, and are accessible to all personnel monitoring that frequency. "Radio communications" does not include private communications between two devices, such as a cellular telephone, or the transmittal of data to or from a mobile data terminal, tablet, text messaging device, or similar device.

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

i. deprive a person of a right to a fair trial or impartial adjudication;

ii. identify a confidential source or disclose confidential information relating to a criminal investigation; and

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

2. Any law enforcement agency in the state that encrypts any portion of its radio communications shall ensure that all radio communications, with the exception of sensitive information, are accessible, in real time, to emergency services organizations and professional journalists as defined in section seventy-nine-h of the civil rights law. In the event that a law enforcement agency does encrypt radio communications pursuant to this subdivision, the department of state shall, for the purpose of verifying credentials, establish and administer a process for granting real-time access to radio communications to emergency services organizations and to professional journalists. Such a process for granting access shall take no more than five business days to complete.

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

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