STATE OF NEW YORK

10079

IN SENATE

April 27, 2026

Introduced by Sens. GIANARIS, FERNANDEZ, GONZALEZ, JACKSON, PARKER, RIVERA, SALAZAR, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to enacting the "police radio transparency 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 "police radio transparency act".

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

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

(a) "Emergency services organization" shall have the same meaning as set forth in section twenty of this chapter.

(b) "Encryption" shall mean 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" shall mean 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 employing at least twenty-five police officers as that term is defined in subdivision thirty-four of section 1.20 of the criminal procedure law. "Law enforcement agency" shall not include the department of corrections.

(d) "Professional journalist" shall have the same meaning as set forth in subdivision six of section seventy-nine-h of the civil rights law.

(e) "Newscaster" shall have the same meaning as set forth in subdivision seven of section seventy-nine-h of the civil rights law.

(f) "Newsgathering organization" shall mean an organization or entity that gathers and reports the news by publishing, broadcasting or cablecasting articles, commentaries, books, photographs, video, film or audio

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

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by electronic, print or digital media, such as radio, television, newspapers, magazines, wire, books and the internet. For the purposes of this section, such an organization or entity shall not be deemed a newsgathering organization unless it is covered by a libel insurance policy.

(g) "Radio communications" shall mean communications that are broadcast over a radio frequency either from a dispatch center to police officers, from police officers to a dispatch center, or between police officers, 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.

(h) "Sensitive information" shall mean 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;

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

iv. reveal the location, activity or identity of undercover operations or undercover personnel; or

v. reveal the location and movement of government officials that are not otherwise made public.

2. Any law enforcement agency in the state that encrypts any portion of its radio communications shall ensure that all of its radio communications, with the exception of sensitive information, may be monitored in real time by professional journalists, newscasters, and individuals employed by emergency services organizations.

3. The department of state, in consultation with the division of state police, shall promulgate rules and regulations to establish a process by which professional journalists, newscasters and individuals employed by emergency services organizations may apply for the ability to monitor, in real time, the radio communications of law enforcement agencies that engage in encryption. To determine eligibility, the department shall require professional journalists, newscasters, and individuals employed by emergency services organizations to present proof of engagement in such professions. The department shall only approve the application of a professional journalist or a newscaster if the department determines that a newsgathering organization as defined in paragraph (f) of subdivision one of this section employed or engaged the applicant as a member of the press to cover news events. When promulgating such rules and regulations, the department shall consider establishing processes that are comparable to those established pursuant to section one hundred forty-four-a of this chapter.

4. Nothing in this section shall be construed to prevent the city of New York or any agency, official, or employee thereof, from taking any action pursuant to local law number forty-six of the city of New York for the year two thousand twenty-six.

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