

STATE OF NEW YORK

4117--A

2025-2026 Regular Sessions

IN SENATE

February 3, 2025

Introduced by Sens. SCARCELLA-SPANTON, ADDABBO, MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law and the public officers law, in relation to the sealing of certain claims against law enforcement officers

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

1 Section 1. Legislative intent. The legislature finds and declares that
2 it is of critical importance that law enforcement officers who dutifully
3 serve our communities shall always have available to them the opportu-
4 nity to, among other things, secure loans for homeownership, pursue
5 further employment, and participate fully in the life of the community
6 in which they reside. The legislature further finds that the prospect of
7 their being able to do the aforementioned is dampened by the fact that
8 currently, an unfounded or exonerated claim made against a law enforce-
9 ment officer remains in their respective personnel record, and, absent
10 language in their applicable collective bargaining agreement, there
11 exists no method of recourse for them to have such claims removed from
12 their record. Unfounded claims are those claims that are made against
13 law enforcement officers that, upon investigation, are determined to
14 lack factual basis and are dismissed without disciplinary actions or
15 criminal charges; exonerated claims are claims that are made against a
16 law enforcement officer where the alleged conduct occurred but was
17 determined to be lawful. It is, therefore, the intent of the legislature
18 to strike a delicate balance between maintaining transparency regarding
19 previous conduct of law enforcement officers, how police departments
20 investigate and adjudicate claims of misconduct, and policing procedures
21 more generally, and ensuring that unfounded and exonerated claims made

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

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1 against law enforcement officers do not unjustly cast a permanent shadow
2 over an otherwise admirable career in public service.

3 § 2. The executive law is amended by adding a new section 845-f to
4 read as follows:

5 § 845-f. Sealing of certain claims against law enforcement officers.

6 1. Definitions. For purposes of this section, the following terms shall
7 have the following meanings:

8 (a) "Unfounded claim" shall mean any complaint or allegation made
9 against a law enforcement officer that, upon investigation, is deter-
10 mined to lack factual basis and is dismissed without disciplinary action
11 or criminal charges.

12 (b) "Exonerated claim" shall mean any complaint or allegation made
13 against a law enforcement officer where the alleged conduct occurred but
14 was deemed lawful and proper.

15 (c) "Pending claim" shall mean any complaint or allegation made
16 against a law enforcement officer for which no final determination has
17 been made regarding such complaint or allegation.

18 (d) "Law enforcement officer" shall mean a police officer as defined
19 in subdivision thirty-four of section 1.20 of the criminal procedure
20 law.

21 (e) "Seal" or "sealing" shall mean the process by which records of
22 unfounded claims are rendered inaccessible to the public, with limited
23 exceptions as set forth in this section.

24 2. Sealing of unfounded claims, exonerated claims, and pending claims.

25 (a) Any unfounded claim made against a law enforcement officer shall be
26 automatically sealed upon final determination of unfounded status.

27 (b) Any exonerated claim made against a law enforcement officer shall
28 be automatically sealed upon final determination of exonerated status.

29 (c) Notwithstanding any other provision of law to the contrary, pend-
30 ing claims shall be sealed.

31 3. Exceptions and access to sealed records. (a) Sealed records of
32 unfounded, exonerated, or pending claims shall remain accessible to:

33 (i) law enforcement agencies for the purpose of internal investi-
34 gations or audits;

35 (ii) the New York state attorney general's office and district attor-
36 neys for prosecutorial purposes, if relevant to a criminal investi-
37 gation; and

38 (iii) the civilian complaint review board or other authorized over-
39 sight bodies during an active investigation involving an officer.

40 (b) Sealed records shall not be disclosed or made available to the
41 public, media, or any non-authorized entities.

42 4. Implementation and responsibilities. (a) The division shall be
43 responsible for overseeing the implementation of this section, including
44 but not limited to:

45 (i) ensuring that all eligible unfounded, exonerated, or pending
46 claims are sealed in accordance with this section; and

47 (ii) maintaining a secure and confidential system for storing and
48 accessing sealed records in accordance with this section.

49 (b) Law enforcement agencies shall be required to update their records
50 management systems to comply with the provisions of this section and to
51 report compliance to the division annually.

52 § 3. Paragraphs (c) and (d) of subdivision 2-b of section 89 of the
53 public officers law, as added by chapter 96 of the laws of 2020, are
54 amended and three new paragraphs (e), (f) and (g) are added to read as
55 follows:

56 (c) any social security numbers; [ex]

1 (d) disclosure of the use of an employee assistance program, mental
2 health service, or substance abuse assistance service by a person
3 employed by a law enforcement agency as defined in section eighty-six of
4 this article as a police officer, peace officer, or firefighter or
5 firefighter/paramedic, unless such use is mandated by a law enforcement
6 disciplinary proceeding that may otherwise be disclosed pursuant to this
7 article[+];

8 (e) unfounded claims, as defined in paragraph (a) of subdivision one
9 of section eight hundred forty-five-f of the executive law, made against
10 a police officer, as defined in subdivision thirty-four of section 1.20
11 of the criminal procedure law;

12 (f) exonerated claims, as defined in paragraph (b) of subdivision one
13 of section eight hundred forty-five-f of the executive law, made against
14 a police officer, as defined in subdivision thirty-four of section 1.20
15 of the criminal procedure law; or

16 (g) pending claims, as defined in paragraph (c) of subdivision one of
17 section eight hundred forty-five-f of the executive law, made against a
18 police officer, as defined in subdivision thirty-four of section 1.20 of
19 the criminal procedure law.

20 § 4. This act shall take effect on the ninetieth day after it shall
21 have become a law. Effective immediately, the addition, amendment,
22 and/or repeal of any rule or regulation necessary for the implementation
23 of this act on its effective date are authorized to be made and
24 completed on or before such effective date.