

STATE OF NEW YORK

511

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the civil rights law, in relation to preventing unfounded complaints against police officers, peace officers, firefighters, correction officers and emergency medical service providers from being disclosed or added to a personnel record

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

1 Section 1. The civil rights law is amended by adding a new section
2 50-a to read as follows:

3 § 50-a. Personnel records of police officers, peace officers, fire-
4 fighters, correction officers and emergency medical service providers.

5 1. For the purposes of this section, the term "personnel record" shall
6 mean all personnel records used to evaluate performance toward continued
7 employment or promotion, under the control of any police agency or
8 department of the state or any political subdivision thereof including
9 authorities or agencies maintaining police forces of individuals defined
10 as police officers in section 1.20 of the criminal procedure law and
11 such personnel records under the control of a sheriff's department or a
12 department of correction of individuals employed as correction officers
13 and such personnel records under the control of a paid fire department
14 or force of individuals employed as firefighters or
15 firefighter/paramedics and such personnel records under the control of
16 the department of corrections and community supervision for individuals
17 defined as peace officers pursuant to subdivisions twenty-three and
18 twenty-three-a of section 2.10 of the criminal procedure law and such
19 personnel records under the control of a probation department for indi-
20 viduals defined as peace officers pursuant to subdivision twenty-four of
21 section 2.10 of the criminal procedure law and such personnel records

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

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1 under the control of an emergency medical service provider who provides
2 emergency medical service as defined in section three thousand one of
3 the public health law for individuals who provide emergency medical
4 services.

5 2. (a) Any part of a personnel record which contains information
6 regarding a complaint which was investigated and determined to be
7 unfounded shall be considered confidential and not subject to inspection
8 or review without the express written consent of such police officer,
9 firefighter, firefighter/paramedic, correction officer or peace officer
10 within the department of corrections and community supervision or
11 probation department, or emergency medical service provider except as
12 may be mandated by lawful court order.

13 (b) Prior to issuing such court order the judge must review all such
14 requests and give interested parties the opportunity to be heard. No
15 such order shall issue without a clear showing of facts sufficient to
16 warrant the judge to request records for review.

17 (c) If, after such hearing, the judge concludes there is a sufficient
18 basis, the judge shall sign an order requiring that the relevant portion
19 of such personnel records in question be sealed and sent directly to the
20 court. The judge shall then review the file and make a determination as
21 to whether the relevant portion of such records are relevant and materi-
22 al in such action. Upon such a finding the court shall make those parts
23 of the record found to be relevant and material available to the persons
24 so requesting.

25 3. No information regarding a complaint against a police officer,
26 peace officer, firefighter, correction officer, or emergency medical
27 service provider which was investigated and determined to be unfounded
28 shall be included in such police officer, peace officer, firefighter,
29 correction officer, or emergency medical service provider's personnel
30 record.

31 4. The provisions of this section shall not apply to any district
32 attorney or their assistants, the attorney general or their deputies or
33 assistants, a county attorney or their deputies or assistants, a corpo-
34 ration counsel or their deputies or assistants, a town attorney or their
35 deputies or assistants, a village attorney or their deputies or assist-
36 ants, a grand jury, or any agency of government which requires the
37 records described in subdivision one of this section, in the furtherance
38 of their official functions.

39 § 2. This act shall take effect immediately.