

STATE OF NEW YORK

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2025-2026 Regular Sessions

IN ASSEMBLY

January 15, 2025

Introduced by M. of A. BERGER, PHEFFER AMATO, WIEDER, WILLIAMS, BUTTENS-CHON, EICHENSTEIN, YEGER, WOERNER, STERN, P. CARROLL, SAYEGH, KASSAY, GRIFFIN, SIMPSON, O'PHARROW, SANTABARBARA, COLTON, KAY, CONRAD, McMACHON, FALL, SCHIAVONI, RAJKUMAR, HEVESI, BURKE, ROZIC, JONES, PAULIN, BRAUNSTEIN, CUNNINGHAM, STIRPE -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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

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

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1 law enforcement officer where the alleged conduct occurred but was
2 determined to be lawful. It is, therefore, the intent of the legislature
3 to strike a delicate balance between maintaining transparency regarding
4 previous conduct of law enforcement officers, how police departments
5 investigate and adjudicate claims of misconduct, and policing procedures
6 more generally, and ensuring that unfounded and exonerated claims made
7 against law enforcement officers do not unjustly cast a permanent shadow
8 over an otherwise admirable career in public service.

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

11 § 845-f. Sealing of certain claims against law enforcement officers.
12 1. Definitions. For purposes of this section, the following terms shall
13 have the following meanings:

14 (a) "Unfounded claim" shall mean any complaint or allegation made
15 against a law enforcement officer where, upon investigation, there is a
16 factual basis to determine that the complaint or allegation is false and
17 is dismissed without disciplinary action or criminal charges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (c) any social security numbers; [~~or~~]

9 (d) disclosure of the use of an employee assistance program, mental
10 health service, or substance abuse assistance service by a person
11 employed by a law enforcement agency as defined in section eighty-six of
12 this article as a police officer, peace officer, or firefighter or
13 firefighter/paramedic, unless such use is mandated by a law enforcement
14 disciplinary proceeding that may otherwise be disclosed pursuant to this
15 article[~~+~~];

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

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

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

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