

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:

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

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

5 § 222-a. Law enforcement radio communications transparency. 1. For
6 the purposes of this section, the following terms shall have the follow-
7 ing meanings:

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

10 (b) "Encryption" shall mean the encoding of voice communication on an
11 analog or digitally modulated radio carrier, which renders the communi-
12 cation difficult or impossible to be monitored by commercially available
13 radio receivers or scanners.

14 (c) "Law enforcement agency" shall mean any agency or department of
15 any municipality, any police district, or any agency, department,
16 commission, authority or public benefit corporation of the state of New
17 York employing at least twenty-five police officers as that term is
18 defined in subdivision thirty-four of section 1.20 of the criminal
19 procedure law. "Law enforcement agency" shall not include the depart-
20 ment of corrections.

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

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

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

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

LBD15666-02-6

1 by electronic, print or digital media, such as radio, television, news-
2 papers, magazines, wire, books and the internet. For the purposes of
3 this section, such an organization or entity shall not be deemed a news-
4 gathering organization unless it is covered by a libel insurance policy.

5 (g) "Radio communications" shall mean communications that are broad-
6 cast over a radio frequency either from a dispatch center to police
7 officers, from police officers to a dispatch center, or between police
8 officers, and are accessible to all personnel monitoring that frequency.
9 "Radio communications" does not include private communications between
10 two devices, such as a cellular telephone, or the transmittal of data to
11 or from a mobile data terminal, tablet, text messaging device, or simi-
12 lar device.

13 (h) "Sensitive information" shall mean any portion of a radio communi-
14 cation that, if disclosed, would:

15 i. deprive a person of a right to a fair trial or impartial adjudi-
16 cation;

17 ii. identify a confidential source or disclose confidential informa-
18 tion relating to a criminal investigation;

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

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

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

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

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

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

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