STATE OF NEW YORK

10425

IN SENATE

May 15, 2026

Introduced by Sen. GONZALEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the executive law, in relation to requiring policing agencies to conduct an inventory of, and develop a publicly-available policy for, any artificial intelligence used to aid criminal investigations

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

Section 1. The executive law is amended by adding a new section 837-ww to read as follows:

§ 837-ww. Use of artificial intelligence by policing agencies. 1. For the purposes of this section:

(a) "Artificial intelligence" or "AI" means a machine-based technology that can infer from the input it receives how to generate outputs, including content, decisions, predictions, or recommendations.

(b) "Covered AI" means any AI used to aid a law enforcement investigation, including by generating a lead for further investigation or corroboration, as well as generative AI technologies used to write or materially aid in writing police reports or other records relating to a criminal investigation.

(i) Covered AI includes, but is not limited to, technologies that perform biometric identification; forensic DNA phenotyping and probabilistic genotyping; forensic investigative genetic genealogy; cross-camera tracking; vehicle surveillance or tracking including automated license plate readers; anomaly detection; gunshot detection; person-based predictive policing; risk scoring; behavioral analysis; sentiment analysis; convoy analysis; fraud detection; analysis of financial transactions; social network or social media analysis; location analysis, data fusion and intelligence analysis platforms.

(ii) Covered AI does not mean AI that is used for administrative tasks that do not materially impact investigations, such as productivity and document management tools, or generative AI technologies used to check spelling or grammar.

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

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(iii) "Use" means operating or accessing a covered AI or data derived therefrom, regardless of whether such system or data is owned by the police agency, another public agency, or a private individual or entity.

2. (a) At least ninety days prior to the use of a new covered AI product, the law enforcement agency shall publish a publicly available disclosure. For covered AI products already in use, the agency shall publish a disclosure within one hundred eighty days of the effective date of this section. Each disclosure shall, at a minimum, include:

(i) the name of each system, including the vendor and product name, if applicable;

(ii) a brief description of each system's capabilities and limitations;

(iii) a brief description of the type or types of data inputs each system uses and outputs it produces; and

(iv) a brief description of authorized and unauthorized uses for each system; and

(v) copies of all internal validation summaries and internal performance checks for each system.

(b) AI system inventory information is publicly available in accordance with this subdivision if it is posted conspicuously on the law enforcement agency's website in a text-searchable format and is accessible at no cost. If the police agency employs fewer than ten full-time sworn officers and does not maintain a website, such information shall satisfy the requirements of this subdivision if it is made available upon request, consistent with the disclosure response time established in article six of the public officers law, and at no cost to the requesting party.

(c) When an agency seeks to acquire or acquires enhancements or additions to covered AI products, or when the product's capabilities are materially changed, the agency shall amend the disclosure within ninety days of the change.

3. (a) (i) Any use of covered AI in a criminal investigation shall be disclosed in a police report filed for that investigation.

(ii) Upon arrest or citation following a criminal investigation, the police report shall be submitted to the prosecuting attorney's office as well as to the individual under investigation, by and through the individual's attorney if the individual is represented.

(iii) Any use of covered AI by the police agency in a criminal investigation subsequent to arrest shall be disclosed to the prosecuting attorney's office and to the individual under investigation, by and through the individual's attorney if the individual is represented, as soon as practicable but no later than twenty calendar days following such use by the police agency.

(iv) Disclosure of the use of covered AI in a police report shall include, at minimum:

(A) the name of the covered AI; and

(B) a brief description of the covered AI's role in the investigation, including whether it was used to generate an investigative lead, or identify or aid in the identification of a suspect, witness, or victim.

(b) (i) A police report or other law enforcement record generated during a criminal investigation that was created in whole or in part by using generative AI shall:

(A) include a disclaimer that the report or record contains content generated by artificial intelligence;

(B) where technically feasible, identify the specific content in the report that was generated by AI; and

(C) include a certification by the author of the report or record that the author has read and reviewed the report or record for accuracy.

(ii) The first draft of any report or record created in whole or in part by using generative AI shall be retained for as long as the final report is retained.

(iii) The program used to generate a draft or final report shall maintain an audit trail that, at minimum, identifies:

(A) the person who used AI to create or edit a report;

(B) any changes made to the report following the initial draft; and

(C) all materials used to create a report, including but not limited to video footage, audio footage, photographs, reports, phone records, and other inputs.

4. (a) Within ninety days of the effective date of this section, the attorney general shall create and publicly post on its website a model policy for the use of covered AI by police agencies that meets or exceeds the requirements described in paragraph (b) of this subdivision. The attorney general shall review the policy on an annual basis and update as necessary to reflect material changes to covered AI technologies or law enforcement use.

(b) The model policy shall, at minimum:

(i) include compliance with the requirements described in subdivisions two and three of this section;

(ii) describe the authorized uses for covered AI and ban any use that is not explicitly authorized; and

(iii) include an acknowledgment that a violation of the policy described in this section may result in administrative disciplinary action.

(c) No later than ninety days after the issuance of the model policy described in this subdivision each police agency shall adopt the model policy or a policy that meets or exceeds the requirements in the model policy. A policy adopted by a police agency under this paragraph shall be submitted to the attorney general and be posted conspicuously on the attorney general's website in a text-searchable format and accessible at no cost.

5. (a) The attorney general may investigate, and if warranted, bring a civil action against any agency or political subdivision to obtain equitable or declaratory relief to enforce the provisions of this section.

(b) Any person who resides within the jurisdiction of a political subdivision or police agency that is subject to the requirements of this section may bring a civil action against the political subdivision or its police agency to obtain equitable or declaratory relief to enforce the provisions of subdivision two of this section and paragraph (c) of subdivision four of this section. A prevailing plaintiff shall be entitled to reasonable attorney's fees and costs.

(c) No action may be commenced against a police agency or political subdivision under this section unless the plaintiff has provided written notice of the alleged violation to the agency or political subdivision at least ninety days prior to filing suit, in a manner that is reasonably calculated to enable the entity to cure the alleged violation.

§ 2. This act shall take effect immediately.