STATE OF NEW YORK

8021--A

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. HINCHEY -- 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, in relation to prohibiting certain officers of state law enforcement agencies from having certain offensive or inappropriate tattoos

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-z to read as follows:

§ 837-z. Tattoo policies; law enforcement agencies. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Extremist tattoo" shall mean any tattoo that depicts, describes, symbolizes or refers to extremist philosophies, ideologies, or activities, including, but not limited to any depiction, description, symbol or reference that:

(i) is inspired by, or associated with, a designated foreign terrorist organization or domestic terrorist or violent domestic extremist organization or group identified or designated as such by the United States department of justice or any other organization or group or that advocates intolerance of, or discrimination against, any race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, or sexual orientation;

(ii) encourages, promotes, or advocates the commission of a hate crime as defined in section 485.05 of the penal law against any group or groups of individuals;

(iii) encourages, promotes or advocates discrimination or intolerance against any individual or group based on race, color, national origin, ancestry, gender, gender identity or expression, religion, religious

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

LBD11674-03-5

practice, or sexual orientation or any other status protected by federal law or the laws of this state;

(iv) encourages, promotes or advocates for violence or other unlawful means of depriving or violating the rights guaranteed to an individual under the United States Constitution, the state constitution, or any other applicable federal or state law on the basis of race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, or sexual orientation or any other status protected by federal law or the laws of this state; or

(v) any other symbol, description, depiction or reference designated as such by the commissioner in coordination with the commissioner of the division of human rights and in consultation with any other appropriate public or private agency, including any federal or state law enforcement agency.

(b) "Tattoo" is defined as a mark on the body of a person made with indelible ink or pigments injected beneath the outer layer of the skin that is permanent and difficult to reverse or remove in terms of financial cost, discomfort, and effectiveness of removal techniques. For purposes of this section, "tattoo" shall also include marks made on the body of a person by method of branding or scarring that are permanent and difficult to reverse or remove in terms of financial cost, discomfort, and effectiveness of removal techniques.

(c) "Sleeve tattoo" means a large tattoo, or a collection of smaller tattoos, that covers most or all of an individual's arm, usually from shoulder to wrist.

(d) "Indecent tattoo" shall mean a tattoo that is otherwise grossly offensive to modesty, decency, propriety, or professionalism, including, for the purposes of illustration and not limitation, depictions of sexually suggestive or explicit images, depictions of obscene material within the meaning of section 235.00 of the penal law, or any other depiction, description or reference that violates a reasonable person's standard of decency or morality.

(e) "Sexist tattoo" shall mean a tattoo that advocates a philosophy that degrades or demeans a person based on sex or gender.

(f) "Racist tattoo" shall mean a tattoo that advocates a philosophy that degrades or demeans a person based on race, color, ethnicity, or national origin.

(g) "State agency" shall mean any department, division, board, bureau, commission, office, agency, authority or public corporation of the state.

(h) "State law enforcement agency" shall mean the division of state police, the department of corrections and community supervision, the division of law enforcement in the department of environmental conservation, and any other state agency as defined in paragraph (g) of this section or state authority as defined in section two of the public authorities law that employs individuals designated as police officers pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law or individuals designated as peace officers pursuant to subdivision twenty-five of section 2.10 of the criminal procedure law, but shall not include any police officer or peace officer employed by any municipality as defined in section eight hundred thirty-five of this article or any other local agency or local authority.

2. (a) The commissioner, the superintendent of the division of the state police, the commissioner of the department of corrections and community supervision, and the person in charge of every state law enforcement agency as defined in paragraph (h) of subdivision one of

this section shall adopt and implement a tattoo policy for all members of such law enforcement agency who are designated as police officers pursuant to section 1.20 of the criminal procedure law or as peace officers pursuant to subdivision twenty-five of section 2.10 of the criminal procedure law and all applicants for employment in such positions with such agency.

(b) Each policy established pursuant to paragraph (a) of this subdivision shall establish guidelines that permit appropriate tattoos and prohibit inappropriate or offensive tattoos for applicants to and members of such state law enforcement agencies in accordance with the provisions of this section. Except as provided in subdivision three of this section, such policy shall:

(i) permit such police officers and peace officers and applicants for employment as police officers and peace officers within such agency to have arm, leg, back, or torso tattoos, including sleeve tattoos, provided however that such policies may require the covering of such tattoos in the course of employment;

(ii) prohibit hand tattoos with the exception of no more than one ring tattoo on each hand below the joint of the bottom segment (portion closest to the palm) of the finger; and

(iii) prohibit hand, face, and neck tattoos.

(c) Nothing in this section shall limit the authority of a state law enforcement agency to establish rules prohibiting any tattoo that is not explicitly authorized by paragraph (b) of this subdivision.

3. (a) Notwithstanding any contrary provision of law, every tattoo policy adopted pursuant to this section shall prohibit and no such policy shall authorize any of the following tattoos:

(i) indecent tattoos;

(ii) sexist tattoos;

(iii) racist tattoos;

(iv) gang affiliated tattoos;

(v) extremist tattoos; or

(vi) any other tattoo that disparages any race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, or sexual orientation.

(b) Beginning on the effective date of this section and thereafter, no person who has any tattoo described in paragraph (a) of this subdivision shall be eligible for provisional or permanent appointment as a police officer or peace officer in any state law enforcement agency.

4. No state law enforcement agency shall be authorized to establish or permit an exception for any tattoo prohibited by subdivision three of this section unless such exception shall have been approved by the commissioner in accordance with rules and regulations promulgated for such purpose.

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