

STATE OF NEW YORK

9840

IN SENATE

April 7, 2026

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

AN ACT to amend the vehicle and traffic law, in relation to limiting the frequency of traffic stops for minor violations in furtherance of racial equity and public safety; to amend the criminal procedure law, in relation to the basis for a motion to suppress or exclude evidence; and to amend the executive law, in relation to the duties of the division of criminal justice services

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 article 23-A to read as follows:

ARTICLE 23-A

CERTAIN TRAFFIC STOPS RESTRICTED

Section 1106. Definitions.

6 1107. Restrictions on traffic stops and searches.

7 1108. Data collection.

8 1109. Effect.

9 § 1106. Definitions. For the purposes of this article, the following
10 terms shall have the following meanings:

11 (a) "Primary violation" means a violation of this chapter that does
12 not constitute a secondary violation.

13 (b) "Secondary violation" means any of the following:

14 (1) the failure to have a valid certificate of inspection in violation
15 of section three hundred six of this chapter;

16 (2) the failure to have adequate windshield wipers in violation of
17 paragraph (b) of subdivision one of section three hundred seventy-five
18 of this chapter;

19 (3) the failure to have two lighted headlamps, in violation of subpar-
20 agraph one of paragraph (a) of subdivision two of section three hundred
21 seventy-five of this chapter if the vehicle has one lighted headlamp;

22 (4) the failure to have two lighted lamps on the rear, in violation of
23 subparagraph three of paragraph (a) of subdivision two of section three

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

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1 hundred seventy-five of this chapter if the vehicle has one lighted rear
2 lamp;

3 (5) the failure to have a light that illuminates the license plate, in
4 violation of subparagraph four of paragraph (a) of subdivision two of
5 section three hundred seventy-five of this chapter;

6 (6) improper alignment or height of headlights, in violation of para-
7 graph (b) of subdivision two of section three hundred seventy-five of
8 this chapter;

9 (7) excessively bright headlights, in violation of paragraph (c) of
10 subdivision two of section three hundred seventy-five of this chapter;

11 (8) obstructed view from a rearview mirror due to an item dangling
12 from the mirror in violation of paragraph (a) of subdivision ten of
13 section three hundred seventy-five of this chapter, unless the driver's
14 view is so obstructed or compromised as to create a condition that
15 increases the likelihood of injury or death;

16 (9) obstructed view from an item on the front windshield in violation
17 of paragraph (a) of subdivision twelve-a of section three hundred seven-
18 ty-five of this chapter unless the driver's view is so obstructed or
19 compromised as to create a condition that increases the likelihood of
20 injury or death;

21 (10) excessive tint in violation of subparagraph one, two, three or
22 four of paragraph (b) of subdivision twelve-a of section three hundred
23 seventy-five of this chapter;

24 (11) obstructed view from an item on the front windshield in violation
25 of subdivision thirty of section three hundred seventy-five of this
26 chapter unless the driver's view is so obstructed or compromised as to
27 create a condition that increases the likelihood of injury or death;

28 (12) the failure to have two stop lamps, in violation of paragraph (b)
29 of subdivision forty of section three hundred seventy-five of this chap-
30 ter if the vehicle has one working stop lamp;

31 (13) excessive noise in violation of paragraph (a) of subdivision
32 three of section three hundred eighty-six of this chapter;

33 (14) expired motor vehicle registration or failure to properly display
34 registration tags, in violation of section four hundred one of this
35 chapter;

36 (15) the failure of a pedestrian to obey a traffic control device, in
37 violation of paragraph three of subdivision (b) of section eleven
38 hundred eleven of this title;

39 (16) the failure of a pedestrian to obey a traffic control device, in
40 violation of paragraph four of subdivision (d) of section eleven hundred
41 eleven of this title;

42 (17) the failure of a pedestrian to obey a traffic control device, in
43 violation of subdivision (b) or (c) of section eleven hundred twelve of
44 this title;

45 (18) crossing the street in a diagonal, in violation of subdivision
46 (c) of section eleven hundred fifty-five of this title;

47 (19) the failure to use the right side of the crosswalk, in violation
48 of section eleven hundred fifty-two of this title;

49 (20) the failure of a pedestrian to use the sidewalk or walk on the
50 left side of the road, in violation of section eleven hundred fifty-six
51 of this title;

52 (21) the failure to signal a turn one hundred feet prior to turning,
53 if such driver has signaled a turn at any time prior to turning, in
54 violation of subdivision (b) of section eleven hundred sixty-three of
55 this title;

1 (22) any parking infraction in violation of section twelve hundred two
2 of this title. Nothing in this provision shall prevent an officer from
3 asking a driver unlawfully parked, or unlawfully obstructing traffic or
4 a fire hydrant, to move their car;

5 (23) littering, unless an object is thrown from a vehicle in a manner
6 that creates a condition that increases the likelihood of injury or
7 death, in violation of section twelve hundred twenty of this title; or

8 (24) riding a bicycle without the proper lamp, bell, reflective tires
9 or reflective devices, in violation of subdivisions (a), (b), (c), (d)
10 and (e) of section twelve hundred thirty-six of this title, unless the
11 ability to view the bicycle or cyclist is so compromised as to create a
12 condition that substantially increases the likelihood of injury or
13 death.

14 (c) "Officer" means either a police officer as defined in subdivision
15 thirty-four of section 1.20 of the criminal procedure law or a peace
16 officer as defined in section 2.10 of the criminal procedure law.

17 § 1107. Restrictions on traffic stops and searches. (a) (1) Except as
18 provided in paragraph two of this subdivision, an officer shall not
19 stop, arrest, or detain the operator of a motor vehicle or bicycle, or a
20 pedestrian:

21 (i) for a secondary violation or suspicion of a secondary violation as
22 defined in section eleven hundred six of this article; or

23 (ii) based on suspicion or probable cause to believe that the driver
24 or any passenger in the vehicle has an outstanding warrant for a failure
25 to pay an outstanding fine or fee or for a failure to appear in court
26 for any violation level offense.

27 (2) An officer may stop, arrest, or detain the operator of a motor
28 vehicle or bicycle or a pedestrian for a secondary violation if:

29 (i) the officer lawfully stopped or detained the operator or pedestri-
30 an for a primary violation or other offense not enumerated in this chap-
31 ter; or

32 (ii) the operator is driving a commercial vehicle.

33 (3) Notwithstanding paragraph two of this subdivision, an officer
34 shall not stop, detain, or arrest the operator or passenger of a motor
35 vehicle or bicycle, or a pedestrian when the primary reason for the
36 stop, detention, or arrest is the person's race, creed, color, national
37 origin, or other protected status under the human rights law.

38 (4) Evidence derived from a stop based solely on a secondary violation
39 shall be inadmissible in court.

40 (b) (1) Prior to asking for consent to search a vehicle, an officer
41 shall advise an individual of their right to refuse the search. The
42 officer shall provide the driver or passenger with a form setting forth
43 the right to refuse the search, and the driver or passenger must sign a
44 form stating that the driver or passenger has been informed of the right
45 to refuse the search, and waives that right. The information and form
46 must be provided to the driver or passenger in that person's native
47 language.

48 (2) Following a stop for a violation of this chapter, any officer
49 equipped with a body-worn camera must activate the camera. Prior to any
50 search of an individual or their property following such a stop, the
51 officer must state the reason for any search of an individual's person,
52 property or vehicle on the body-worn camera.

53 (3) In any stop other than those based on an alleged violation of
54 subdivision four or four-a of section eleven hundred ninety-two of this
55 title, or paragraph (e) of subdivision two of section forty-nine-a of
56 the navigation law, or paragraph (d) of subdivision one of section 25.24

1 of the parks, recreation and historic preservation law, an officer's
2 perception of the odor of cannabis shall not serve as a basis to search
3 a motor vehicle, or to search the driver, occupants, or any of the
4 contents of a motor vehicle.

5 (4) An officer may not use a drug-detection canine on a stopped motor
6 vehicle unless the officer has probable cause to believe either that the
7 motor vehicle contains illegal narcotics (other than cannabis), or that
8 a driver or an occupant of the motor vehicle possesses illegal narcotics
9 (other than cannabis).

10 § 1108. Data collection. (a) Each law enforcement agency subject to
11 the provisions of this article shall begin collecting incident-level
12 data on all traffic stops conducted by officers employed by the law
13 enforcement agency, including all information described in subdivision
14 (c) of this section.

15 (b) No later than one year after the effective date of this article,
16 each law enforcement agency collecting information as provided in this
17 section shall furnish annually to the division of criminal justice
18 services, in a manner defined and prescribed by the division, a report
19 of all stops conducted in the prior year by officers employed by the
20 agency.

21 (c) Each report required under subdivision (b) of this section shall
22 include, at a minimum, the following information for each stop or
23 arrest:

24 (1) the time, date, duration, and location of the stop;

25 (2) the reason for the stop including the penal statute or provision
26 of this chapter alleged to have been violated, if any;

27 (3) the year, make, model, registration number and state of registra-
28 tion of the vehicle;

29 (4) the result of the stop, such as no action, warning, citation,
30 search, use of physical force, entry of information into a data
31 collection database, or arrest;

32 (5) the perceived race or ethnicity, gender, and age of each person
33 stopped;

34 (6) whether the person stopped appeared to be experiencing a mental or
35 other behavioral crisis;

36 (7) actions taken by the officer during the stop, including, but not
37 limited to, the following:

38 (i) whether the officer searched any person, vehicle, or any property,
39 and, if so, the type of search (e.g., pat-down), the basis for the
40 search, and the type of contraband or evidence discovered, if any;

41 (ii) whether the officer asked for consent to search the person or any
42 property, and, if so, whether consent was provided;

43 (iii) whether the officer seized any property and, if so, a
44 description of all property seized and the basis for the seizure;

45 (iv) if weapons, marijuana or controlled substances were seized,
46 detailed descriptions of such items including weight of any substances,
47 and make and model of any weapons;

48 (v) whether the officer used physical force against any person and, if
49 so, the type of force used, including whether any weapon was used;

50 (vi) if anyone, whether officer or civilian, was injured, a
51 description of all injuries to each person, whether treatment was
52 provided, and the facility, if any, at which treatment was provided;

53 (vii) whether the officer pointed a firearm or a conducted energy
54 device at any person;

55 (viii) whether a police dog performed a sniff, and if so, whether the
56 dog alerted to the presence of contraband;

1 (ix) whether the officer ordered any person to exit the vehicle and if
2 so, where such person was detained;

3 (x) whether the officer handcuffed or otherwise physically restrained
4 any person during the stop, such as by placing a person in a police
5 vehicle; and

6 (xi) whether the officer checked, or asked dispatch to check, for any
7 outstanding warrants for the person;

8 (8) if a traffic summons or ticket was issued, the violation or
9 violations alleged;

10 (9) if an arrest was made, the offense or offenses charged;

11 (10) the following information about the officer conducting the stop:

12 (i) the officer's unique identification number; and

13 (ii) the nature of the officer's assignment;

14 (11) whether anyone died as a result of the encounter;

15 (12) whether there was a motor vehicle accident; and

16 (13) whether the stop resulted in the seizure and/or impoundment of
17 the vehicle, and the basis for such seizure.

18 (d) Law enforcement agencies subject to this section shall not report
19 or make publicly available the address, social security number, or other
20 unique personal identifying information of the persons stopped,
21 searched, or subjected to a property seizure. Law enforcement agencies
22 are solely responsible for ensuring that restricted information of the
23 individual stopped is not transmitted to the department of criminal
24 justice or otherwise released to the public.

25 (e) Each law enforcement agency covered by this section shall develop
26 and make publicly available a policy governing review and auditing of
27 stop data collected to ensure officer compliance with the requirements
28 of this article.

29 § 1109. Effect. (a) Nothing in this section shall be construed to
30 preempt or limit existing remedies or causes of action that may be trig-
31 gered by violations of this article.

32 (b) (1) This article shall supercede any local law or ordinance that
33 would expand the bases for an officer to engage in a stop, search, cita-
34 tion, detention, arrest, or questioning beyond those specifically
35 enumerated in this article, or otherwise conflict with or frustrate the
36 purpose of any provision of this article.

37 (2) This article shall not preempt local laws that would restrict
38 further the role of law enforcement officers in traffic enforcement,
39 including by:

40 (i) assigning certain traffic enforcement functions to local officials
41 or personnel who are authorized to conduct such functions instead of
42 sworn law enforcement officers; or

43 (ii) placing additional limits on officer conduct or questioning
44 during traffic stops.

45 § 2. The criminal procedure law is amended by adding a new section
46 60.77 to read as follows:

47 § 60.77 Rules of evidence; admissibility of evidence derived from the
48 unlawful stop of a motor vehicle, bicyclist or pedestrian.

49 1. Evidence derived from the unlawful stop of a motor vehicle, bicy-
50 clist or pedestrian by a law enforcement officer that was primarily
51 based on a person's race, creed, color, national origin, or other status
52 protected under the human rights law, shall be inadmissible in a crimi-
53 nal action against such person or any other person whose freedom of
54 movement was affected by the stop.

55 2. For purposes of this section a stop is unlawful when, notwithstand-
56 ing the existence of probable cause or reasonable suspicion to believe a

1 person has committed a traffic infraction or a petty offense defined in
2 any city, town or village code, the law enforcement officer would not
3 have initiated the stop but for a person's race, creed, color, national
4 origin or other status protected under the human rights law.

5 3. A motion to exclude evidence pursuant to this section shall be made
6 and determined in the same manner as a pre-trial motion to suppress
7 evidence pursuant to article seven hundred ten of this chapter, and the
8 defendant shall bear the burden of proving by a preponderance of the
9 evidence that the stop was unlawful within the meaning of this section.
10 In evaluating the motion to exclude, the court shall consider the nature
11 of the traffic infraction or offense giving rise to the stop, the law
12 enforcement officer's usual duties with respect to enforcement of the
13 vehicle and traffic law or city, town or village code provision, any
14 evidence of a pattern of discriminatory enforcement of such law within
15 the jurisdiction, and any other evidence that may prove or disprove that
16 such law was a pretext for an unlawful stop within the meaning of this
17 section.

18 4. An order granting a motion to exclude evidence pursuant to this
19 section shall be appealable by the people in the same manner as an order
20 suppressing evidence pursuant to subdivision eight of section 450.20 of
21 this chapter, and an order denying a motion shall be appealable by the
22 defendant pursuant to section 450.10 of this chapter.

23 § 3. Section 837 of the executive law is amended by adding a new
24 subdivision 25 to read as follows:

25 25. Accept information from law enforcement agencies pursuant to
26 subdivision (c) of section eleven hundred eight of the vehicle and traf-
27 fic law and make the information, including the unique identification
28 number of the officer making the stop, publicly available online in a
29 manner that is clear, understandable, analyzable, and accessible to the
30 public.

31 § 4. This act shall take effect on the first of January next succeed-
32 ing the date upon which it shall have become a law.