



# **GOVERNOR'S BILL JACKET**

## **2020 CHAPTER 100**

**92 PAGES**

**NYLS Note: NYLS added the last 83 pages.**

### **CIVIL RIGHTS LAW**

#### **New Yorker's Right to Monitor Act**

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**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S3253A

**SPONSOR:** PARKER

**TITLE OF BILL:**

An act to amend the civil rights law, in relation to recording certain law enforcement activities.

**PURPOSE:**

The purpose of this legislation is to unambiguously affirm, by statutory enactment, the right of New Yorkers to record, with expressed exceptions, the actions of persons acting under the color of law.

**SUMMARY OF SPECIFIC PROVISIONS:**

Section one of the bill provides that the act shall be known as the "New Yorker's right to monitor act."

Section two of the bill adds § 79-p to the civil rights law entitled "Recording certain activities." This section includes: definitions; delineates the right to record law enforcement related activities; creates a right of action for persons who suffer an unlawful abridgement of their right to record and an affirmative defense for persons charged with a violation of this right; and preservation of rights.

Section three of the bill includes a severability clause. Section four of the bill provides the effective date.

**JUSTIFICATION:**

Several Federal Circuit Courts, the First, Seventh, Ninth, and Eleventh Circuits, have issued clear and consistent opinions finding that the First Amendment of the United States Constitution openly confers and protects the right of ordinary civilians to record police activity. The right of people to document the public activities of law enforcement helps to ensure that the police and others engaged in law enforcement activities are accountable to the public.

**PRIOR LEGISLATIVE HISTORY:**

2018: S.2876/A.2448 - Codes / Third Reading Calendar

2017: S.2876/A.2448 - Codes/ Referred to Rules

2016: S.8074/A.10387-A - Referred to Rules

**FISCAL IMPLICATIONS:**

None.

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