



Legislation Text

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Int. No. 1238-A

By Council Members Gutiérrez, Louis, Brewer, Banks, Restler, Farías, Brannan, Cabán, Hudson, De La Rosa and Bottcher

A Local Law to amend the administrative code of the city of New York, in relation to the provision of access to evidence review technology for persons in custody with pending criminal proceedings

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-174 to read as follows:

§ 9-174 Evidence review technology and reporting. a. Definitions. For purposes of this section, the following terms have the following meanings:

Department. The term “department” means the department of correction.

Electronically stored information. The term “electronically stored information” means any data, including documents and photographs, stored in a digital or electronic format that may be used in a legal proceeding.

Evidence review technology. The term “evidence review technology” means a software platform or application that provides for the receipt and storage of electronically stored information and that a person may use to review such information.

Law library. The term “law library” means a library in a facility of the department that the department maintains pursuant to section 1-08 of title 40 of the rules of the city of New York.

Tablet. The term “tablet” means a portable and flat mobile computer that has a touchscreen interface and a rechargeable battery.

b. The department shall provide any person in the care and custody of the department with a pending criminal proceeding access to evidence review technology for the purpose of enabling such person to review evidence that may be used in such proceeding, including audio, text, and visual materials. The department shall provide such access by:

1. Providing such a person with a tablet on which such evidence review technology is installed;

2. Providing such a person with access to a law library equipped with tablets, desktop computers or other devices that such person may use to access such evidence review technology; or

3. Such other means, as the department may determine, that enables a person to access and use such evidence review technology.

c. Notwithstanding any provision of this section to the contrary, the department shall not be required to provide access to evidence review technology:

1. Where providing such access would, in the judgment of the department, pose a safety or security risk, or disrupt the orderly functioning of the department;

2. Where providing such access would, in the judgment of the department, be impracticable due to extenuating circumstances, such as a power outage; or

3. Where providing such access would result in a violation of law.

d. No later than October 1, 2026, the board of correction shall submit to the mayor, the department, and the speaker of the council, and post on the board's website, a report about the department's provision of access to evidence review technology pursuant to this section. Such report shall include any feedback from any person in the care and custody of the department about such provision of access to evidence review technology, and any recommendations of the board for potential improvements to such provision of access by the department. The department shall respond to the report no later than 30 days after submission to the department of such report. Such response shall state whether the department will adopt or implement any such recommendation, and, for any such recommendation that the department will adopt and implement, set forth a projected timetable

for adopting or implementing such recommendation. No later than October 1, 2027, and no later than October 1 of each year thereafter, the board may submit an additional report in accordance with this subdivision.

§ 2. This local law takes effect 270 days after it becomes law.

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