

Int. No. 175-B

By Council Members Dinowitz, Ariola, The Speaker (Council Member Menin), Schulman, Gennaro, Louis, Narcisse, Brewer, Hanks, Zhuang, Riley, Lee, Maloney, Wong, Feliz, Banks, Encarnación, Mealy, Salaam, Ung, Abreu, Hankerson, Marte, Brooks-Powers, Felder, Paladino, Vernikov, Carr and Morano

A Local Law to amend the administrative code of the city of New York, in relation to a plan regarding security perimeters adjacent to educational facilities

Be it enacted by the Council as follows:

1           Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is  
2 amended by adding a new section 10-188 to read as follows:

3           § 10-188 Plan regarding security perimeters adjacent to educational facilities. a.

4 Definitions. For purposes of this section, the following terms have the following meanings:

5           Educational facility. The term “educational facility” means any building, structure, or place  
6 where educational programming takes place. Such term includes but is not limited to public and  
7 nonpublic childcare programs, early childhood programs, elementary schools, middle schools,  
8 junior high schools, high schools, colleges, and universities.

9           Interference. The term “interference” means restricting an individual’s freedom of  
10 movement.

11           Intimidation. The term “intimidation” means placing an individual in reasonable fear of  
12 physical harm to themselves or to another individual.

13           Physical obstruction. The term “physical obstruction” means rendering ingress to or egress  
14 from an educational facility impassable, or unreasonably difficult or hazardous.

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16           b. No later than 45 days after the effective date of the local law that added this section, the  
17 police commissioner shall submit to the mayor and the speaker of the council a proposed plan to

1 address and contain the risk of physical obstruction, physical injury, intimidation, and interference,  
2 while preserving and protecting the rights to free speech and assembly, and protest, at educational  
3 facilities through the use of security perimeters, in accordance with subdivision d, at entrances to,  
4 and exits from, such educational facilities, including parking lots or driveways of such educational  
5 facilities. For educational facilities located on private property, the entrances and exits are where  
6 a person may enter or exit the private property from the public domain, for purposes of such plan.

7 c. No later than 90 days after the effective date of the local law that added this section, the  
8 police commissioner shall submit to the mayor and the speaker of the council, and post on the  
9 police department's website, a final plan.

10 d. The proposed and final plans shall include considerations to be used by the police  
11 department in connection with:

12 1. Deciding whether and when to use a security perimeter at entrances to, and exits from,  
13 an educational facility, including the duration of such a security perimeter;

14 2. Determining the extent of such a security perimeter, as measured from entrances to, and  
15 exits from, an educational facility;

16 3. Implementing such a security perimeter, including steps taken by the police department  
17 to ensure that such a perimeter neither curtails the rights to free speech and assembly, or protest  
18 nor impedes emergency access to, or egress from, an educational facility, including but not limited  
19 to access or egress by emergency personnel;

20 4. Engaging and communicating with administrators of an educational facility while  
21 carrying out the actions set forth in paragraphs 1 through 3 of this subdivision, in order to  
22 understand their relevant needs and concerns; and

1           5. Engaging and communicating with the public and individuals seeking to assemble or  
2 protest at, or to enter and exit from, educational facilities, while carrying out the actions set forth  
3 in paragraphs 1 through 3 of this subdivision, in order to understand their relevant needs and  
4 concerns.

5           e. In the final plan, the police commissioner shall provide to the general public a point of  
6 contact for the department regarding the final plan.

7           f. Nothing in this section shall be construed or interpreted to infringe upon rights granted  
8 under the national labor relations act or the labor law.

9           § 2. This local law takes effect immediately.

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