

STATE OF NEW YORK

3698

2023-2024 Regular Sessions

IN ASSEMBLY

February 7, 2023

Introduced by M. of A. EPSTEIN, JACKSON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to reporting of the use of force

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

1 Section 1. Subdivision 1 of section 837-t of the executive law, as
2 added by section 1 of part RR of chapter 55 of the laws of 2019, is
3 amended to read as follows:

4 1. The chief of every police department, each county sheriff, and the
5 superintendent of state police shall report to the division, in a form
6 and manner as defined in regulations by the division, any instance or
7 occurrence in which a police officer, as defined in subdivision thirty-
8 four of section 1.20 of the criminal procedure law, or a peace officer,
9 as defined in section 2.10 of the criminal procedure law, employs the
10 use of force as follows:

11 a. brandishes, points, uses or discharges a firearm at or in the
12 direction of another person; or

13 b. uses a chokehold or similar restraint that applies pressure to the
14 throat or windpipe of a person in a manner that may hinder breathing or
15 reduce intake of air; or

16 c. displays, uses or deploys a chemical agent, including, but not
17 limited to, oleoresin capsicum, pepper spray or tear gas; or

18 d. brandishes, uses or deploys an impact weapon, including, but not
19 limited to, a baton or billy; or

20 e. brandishes, uses or deploys an electronic control weapon, includ-
21 ing, but not limited to, an electronic stun gun, flash bomb or long
22 range acoustic device; or

23 f. engages in conduct which results in the death or serious bodily
24 injury of another person. Serious bodily injury is defined as bodily
25 injury that involves a substantial risk of death, unconsciousness,

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

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1 protracted and obvious disfigurement, or protracted loss [~~of~~] or impair-
2 ment of the function of a bodily member, organ or mental faculty.
3 § 2. This act shall take effect on the ninetieth day after it shall
4 have become a law.