

STATE OF NEW YORK

1987

2023-2024 Regular Sessions

IN SENATE

January 18, 2023

Introduced by Sens. JACKSON, HOYLMAN-SIGAL, RAMOS, RIVERA, SEPULVEDA --
read twice and ordered printed, and when printed to be committed to
the Committee on Codes

AN ACT to amend the executive law, in relation to law enforcement inter-
vention against police misconduct

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

1 Section 1. The executive law is amended by adding a new section 837-x
2 to read as follows:

3 § 837-x. Law enforcement intervention against police misconduct. 1.
4 Definitions. When used in this section, and unless the specific context
5 indicates otherwise, the following terms shall have the following mean-
6 ings:

7 (a) "Police misconduct" means conduct by a law enforcement officer in
8 the course of an arrest or otherwise in the official capacity of such
9 law enforcement officer that is:

10 (i) excessive, forceful, or violent and that is not justified under
11 section 35.30 of the penal law;

12 (ii) a false arrest;

13 (iii) sexual misconduct; or

14 (iv) witness tampering.

15 (b) A "law enforcement employee" means:

16 (i) any employee of the state police department, as defined in section
17 two hundred twenty-three of this chapter;

18 (ii) any employee of a county sheriff's department; or

19 (iii) any employee of a city, town, village, university, park, or
20 public authority's police department.

21 2. Immunity from professional retaliation against a law enforcement
22 employee who intervenes against police misconduct. A law enforcement
23 agency shall not take any retaliatory personnel action, as such term is
24 defined in paragraph (e) of subdivision one of section seven hundred

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

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- 1 forty of the labor law, against a law enforcement employee because such
- 2 employee believes that he or she had reasonable cause to intervene
- 3 against police misconduct and intervened against such police misconduct.
- 4 § 2. This act shall take effect immediately.