

# STATE OF NEW YORK

1079

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. CLEARE -- 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 requiring intervention in incidents involving incarcerated individuals

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

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

3 § 837-y. Duty to intervene; violence involving incarcerated individuals. 1. For the purposes of this section:

4 (a) "police officer" means a person designated as such in subdivision  
5 thirty-four of section 1.20 of the criminal procedure law.

6 (b) "peace officer" means a person listed in section 2.10 of the crim-  
7 inal procedure law.

8 2. Every police officer, peace officer and employee of a correctional  
9 facility, as defined in section two of the correction law, shall be  
10 required to intervene when they witness any incident of violence involv-  
11 ing an incarcerated individual and another police officer, peace officer  
12 or employee of a correctional facility, to stop such incident in a  
13 manner conducive to keeping the peace and preventing violence, injuries  
14 and/or death.

15 3. Any police officer, peace officer or employee of a correctional  
16 facility who fails to intervene in violation of this section shall be  
17 guilty of a class E felony.

18 § 2. This act shall take effect immediately.  
19

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

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