

# STATE OF NEW YORK

2681--B

2025-2026 Regular Sessions

## IN SENATE

January 22, 2025

Introduced by Sens. COONEY, BAILEY, GALLIVAN, HARCKHAM, HINCHEY, JACKSON, MARTINEZ, MAY, MAYER, ROLISON, C. RYAN, S. RYAN, SCARCELLA-SPANTON, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to the development of a critical incident policy for members of the division of state police

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 214-j  
2 to read as follows:

3 § 214-j. Critical incident policy. 1. The superintendent shall develop, maintain and disseminate to all members of the division of state  
4 police a critical incident leave policy requiring critical incident paid  
5 leave for any members of the division of state police directly involved  
6 in a critical incident.  
7

8 2. For purposes of this section, the following terms shall have the  
9 following meanings:

10 (a) the term "critical incident" shall mean any action taken by a  
11 member of the division of state police during the course of the perform-  
12 ance of their official duties resulting in the serious physical injury  
13 or death of another person where the use of force was justified; and

14 (b) the term "critical incident paid leave" shall mean paid leave of  
15 at least twenty calendar days for any member of the division of state  
16 police whose official actions were the direct and proximate cause of the  
17 serious physical injury or death of another person, and paid leave of  
18 fifteen calendar days for any member of the division of state police  
19 who, although directly involved in a critical incident, was not the

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

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1 direct and proximate cause of the serious physical injury or death of  
2 another person.

3 3. Critical incident paid leave shall begin as soon as possible after  
4 the critical incident, provided however, that the superintendent may  
5 delay such leave for members who were directly involved in a critical  
6 incident but were not the direct and proximate cause of the serious  
7 injury or death. Critical incident leave may only be delayed to ensure  
8 minimum necessary staffing levels or protect community safety. Delays  
9 may only be as long as necessary to address such concerns.

10 4. In any case where critical incident paid leave has been made to a  
11 member of the division of the state police, and it is thereafter deter-  
12 mined that a critical incident did not occur, the superintendent may  
13 order the withholding of future paid leave to such member, provided that  
14 the amount of days withheld shall not be more than the critical incident  
15 paid leave days that were originally provided.

16 5. The superintendent shall be prohibited from taking any punitive  
17 administrative action against any member of the division of state police  
18 granted critical incident leave under this section solely on the basis  
19 of the provision of such leave.

20 § 2. This act shall take effect on the one hundred twentieth day after  
21 it shall have become a law. Effective immediately, the addition, amend-  
22 ment and/or repeal of any rule or regulation necessary for the implemen-  
23 tation of this act on its effective date are authorized to be made and  
24 completed on or before such effective date.