

3698

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 28, 2013

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Introduced by M. of A. PERRY, CAMARA -- Multi-Sponsored by -- M. of A.  
COLTON, ROBINSON -- read once and referred to the Committee on Codes

AN ACT to amend the executive law, in relation to requiring a law  
enforcement officer or peace officer who discharges his or her weapon  
under circumstances where a person could be struck by a bullet to  
immediately report the incident

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-s  
2     to read as follows:  
3     S 837-S. REPORT OF DISCHARGE OF WEAPON. 1. ANY LAW ENFORCEMENT OFFI-  
4     CER OR PEACE OFFICER WHO DISCHARGES HIS OR HER WEAPON WHILE ON DUTY OR  
5     OFF DUTY UNDER CIRCUMSTANCES WHEREIN A PERSON COULD BE STRUCK BY A  
6     BULLET FROM THE WEAPON, INCLUDING SITUATIONS WHEREIN SUCH OFFICER  
7     DISCHARGES HIS OR HER WEAPON IN THE DIRECTION OF A PERSON, SHALL VERBAL-  
8     LY REPORT THE INCIDENT TO HIS OR HER SUPERIORS WITHIN SIX HOURS OF THE  
9     OCCURRENCE OF THE INCIDENT AND SHALL PREPARE AND FILE A WRITTEN REPORT  
10    OF THE INCIDENT WITHIN FORTY-EIGHT HOURS OF THE OCCURRENCE OF THE INCI-  
11    DENT. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT ANY POLICE OFFI-  
12    CER FROM INVOKING HIS OR HER CONSTITUTIONAL RIGHT TO AVOID SELF-INCRIMI-  
13    NATION.  
14    2. AS USED IN THIS SECTION "LAW ENFORCEMENT OFFICER" MEANS A STATE OR  
15    LOCAL POLICE OFFICER AND "PEACE OFFICER" MEANS ANY PERSON DESIGNATED AS  
16    A PEACE OFFICER PURSUANT TO SECTION 2.10 OF THE CRIMINAL PROCEDURE LAW.  
17    S 2. This act shall take effect immediately.

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

LBD00086-01-3