

3698

2013-2014 Regular Sessions

I N A S S E M B L Y

January 28, 2013

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 ASSEMBLY, 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.

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