S T A T E O F N E W Y O R K

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:

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

S 837-S. REPORT OF DISCHARGE OF WEAPON. 1. ANY LAW ENFORCEMENT OFFICER OR PEACE OFFICER WHO DISCHARGES HIS OR HER WEAPON WHILE ON DUTY OR OFF DUTY UNDER CIRCUMSTANCES WHEREIN A PERSON COULD BE STRUCK BY A BULLET FROM THE WEAPON, INCLUDING SITUATIONS WHEREIN SUCH OFFICER DISCHARGES HIS OR HER WEAPON IN THE DIRECTION OF A PERSON, SHALL VERBALLY REPORT THE INCIDENT TO HIS OR HER SUPERIORS WITHIN SIX HOURS OF THE OCCURRENCE OF THE INCIDENT AND SHALL PREPARE AND FILE A WRITTEN REPORT OF THE INCIDENT WITHIN FORTY-EIGHT HOURS OF THE OCCURRENCE OF THE INCIDENT. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT ANY POLICE OFFICER FROM INVOKING HIS OR HER CONSTITUTIONAL RIGHT TO AVOID SELF-INCRIMINATION.

2. AS USED IN THIS SECTION "LAW ENFORCEMENT OFFICER" MEANS A STATE OR LOCAL POLICE OFFICER AND "PEACE OFFICER" MEANS ANY PERSON DESIGNATED AS A PEACE OFFICER PURSUANT TO SECTION 2.10 OF THE CRIMINAL PROCEDURE LAW.

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