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

7962--A

2015-2016 Regular Sessions

I N A S S E M B L Y

June 2, 2015

Introduced by M. of A. CRESPO -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to mandating electronic stun guns for police and peace officers

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-dd to read as follows:

S 837-DD. ELECTRONIC STUN GUN FOR POLICE AND PEACE OFFICERS. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS HAVE THE FOLLOWING MEANINGS:

(A) "POLICE OR PEACE OFFICER" MEANS A POLICE OFFICER AS DEFINED IN SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OR A PEACE OFFICER AS DEFINED IN SECTION 2.10 OF THE CRIMINAL PROCEDURE LAW;

(B) "ELECTRONIC STUN GUN" MEANS ANY DEVICE DESIGNED PRIMARILY AS A WEAPON, THE PURPOSE OF WHICH IS TO STUN, CAUSE MENTAL DISORIENTATION, KNOCK OUT OR PARALYZE A PERSON BY PASSING A HIGH VOLTAGE ELECTRICAL SHOCK TO SUCH PERSON;

(C) "LAW ENFORCEMENT AGENCY" MEANS AN AGENCY ESTABLISHED BY THE STATE OR A UNIT OF LOCAL GOVERNMENT WHICH EMPLOYS POLICE OFFICERS OR PEACE OFFICERS WHO ARE EMPOWERED TO USE ELECTRONIC STUN GUNS IN THE COURSE OF THEIR OFFICIAL DUTIES.

2. POLICE AND PEACE OFFICERS IN THE STATE WHOSE REGULAR DUTIES REQUIRE SUCH OFFICER CARRY A PISTOL OR REVOLVER, SHALL BE EQUIPPED WITH ELECTRONIC STUN GUNS BY THE LAW ENFORCEMENT AGENCY UNDER WHICH THEY ARE EMPLOYED.

3. POLICE OR PEACE OFFICERS EQUIPPED WITH ELECTRONIC STUN GUNS PURSUANT TO SUBDIVISION TWO OF THIS SECTION SHALL COMPLETE A TRAINING COURSE APPROVED BY THE SUPERINTENDENT OF STATE POLICE IN THE USE OF ELECTRONIC STUN GUNS.

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

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4. WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSIONER, IN CONSULTATION WITH THE MUNICIPAL POLICE TRAINING COUNCIL, SHALL PROMULGATE RULES AND REGULATIONS IN ACCORDANCE WITH DEPARTMENT OF JUSTICE AND POLICE EXECUTIVE RESEARCH FORUM GUIDELINES ON SOUND USE OF FORCE POLICIES AND PRACTICES RELATED TO ELECTRONIC STUN GUNS THAT SHALL BE ADOPTED BY ALL LAW ENFORCEMENT AGENCIES. THE COMMISSIONER SHALL ALSO PROMULGATE REGULATIONS PRESCRIBING STANDARDS FOR SELECTION BY AND REIMBURSEMENT TO LAW ENFORCEMENT AGENCIES.

5. BEGINNING DECEMBER FIRST, TWO THOUSAND SIXTEEN, LAW ENFORCEMENT AGENCIES PROVIDING ELECTRONIC STUN GUNS FOR POLICE OR PEACE OFFICERS' USE SHALL FILE AN ANNUAL REPORT WITH THE DIVISION ON THE NUMBER OF INCIDENTS REQUIRING POLICE OR PEACE OFFICERS TO DEPLOY ELECTRONIC STUN GUNS WITHIN THEIR JURISDICTION, THE AGE, RACE, ETHNICITY, AND GENDER OF THE CIVILIAN INVOLVED AND A BRIEF DESCRIPTION OF THE INCIDENT THAT LED TO THE USE OF THE ELECTRONIC STUN GUN.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that the commissioner of criminal justice services is authorized to immediately promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date.