

3234

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 22, 2015

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Introduced by M. of A. AUBRY, GOTTFRIED -- read once and referred to the  
Committee on Codes

AN ACT to amend the executive law, in relation to standards for the use  
of electronic control weapons

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. STANDARDS FOR USE OF ELECTRONIC CONTROL WEAPONS. 1. FOR THE  
4     PURPOSES OF THIS SECTION  
5     (A) "LAW ENFORCEMENT AGENCY" MEANS AN AGENCY ESTABLISHED BY THE STATE  
6     OR A UNIT OF LOCAL GOVERNMENT WHICH EMPLOYS POLICE OFFICERS AS DEFINED  
7     IN SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW OR PEACE OFFICERS AS  
8     DEFINED IN SECTION 2.10 OF THE CRIMINAL PROCEDURE LAW WHO ARE EMPOWERED  
9     TO USE ELECTRONIC CONTROL WEAPONS IN THE COURSE OF THEIR OFFICIAL  
10    DUTIES.  
11    (B) "ELECTRONIC CONTROL WEAPON" MEANS A CONDUCTED ENERGY DEVICE SUCH  
12    AS A STUN GUN WHICH IS A LESS-LETHAL WEAPON PRIMARILY DESIGNED TO  
13    DISRUPT A SUBJECT'S NERVOUS SYSTEM BY MEANS OF DEPLOYING A HIGH VOLTAGE,  
14    LOW POWER CURRENT OF ELECTRICAL ENERGY SUFFICIENT TO CAUSE PAIN AND/OR  
15    UNCONTROLLED MUSCLE CONTRACTIONS TO OVERRIDE AN INDIVIDUAL'S VOLUNTARY  
16    MOTOR RESPONSE.  
17    2. THE COMMISSIONER, IN CONSULTATION WITH THE SUPERINTENDENT OF STATE  
18    POLICE AND MUNICIPAL POLICE TRAINING COUNCIL, SHALL PROMULGATE A STAND-  
19    ARDIZED INCIDENT REPORT WHICH SHALL BE USED BY ALL STATE AND LOCAL LAW  
20    ENFORCEMENT AGENCIES IN THE REPORTING, RECORDING, AND INVESTIGATION OF  
21    ALL INSTANCES IN WHICH AN ELECTRONIC CONTROL WEAPON IS FIRED OR  
22    DISCHARGED IN THE LINE OF DUTY BY A POLICE OFFICER AS DEFINED IN SECTION  
23    1.20 OF THE CRIMINAL PROCEDURE LAW OR A PEACE OFFICER AS DEFINED IN  
24    SECTION 2.10 OF THE CRIMINAL PROCEDURE LAW. SUCH INCIDENT REPORT SHALL  
25    IDENTIFY THE LAW ENFORCEMENT AGENCY EMPLOYING SUCH OFFICER AND INCLUDE

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

LBD07714-01-5

1 FACTS SUPPORTING SUCH OFFICER'S DECISION TO DEPLOY SUCH WEAPON, INCLUD-  
2 ING THE CRIME SUCH INDIVIDUAL IS ALLEGED TO HAVE COMMITTED, A SPECIFIC  
3 JUSTIFICATION FOR ANY PROLONGED DISCHARGE CYCLE OR MULTIPLE DISCHARGES,  
4 THE AGE, RACE AND GENDER OF THE INDIVIDUAL AGAINST WHOM THE WEAPON WAS  
5 DEPLOYED, THE LOCATION OF THE DISCHARGE OF THE WEAPON ON SUCH INDIVID-  
6 UAL'S BODY, AND A DESCRIPTION OF ANY KNOWN INJURIES OR DEATH OF THE  
7 INDIVIDUAL. SUCH INCIDENT REPORTS SHALL BE FORWARDED TO THE COMMISSIONER  
8 FOR REVIEW BY ALL LAW ENFORCEMENT AGENCIES IMMEDIATELY AFTER EACH INCI-  
9 DENT.

10 3. IN CONSULTATION WITH LAW ENFORCEMENT AGENCIES THE DIVISION SHALL,  
11 (A) COLLECT, ANALYZE, EVALUATE AND DISSEMINATE STATISTICAL AND OTHER  
12 DATA RELATING TO THE USE OF ELECTRONIC CONTROL WEAPONS BY POLICE OFFI-  
13 CERS AND PEACE OFFICERS THROUGHOUT THE STATE; AND

14 (B) PRESENT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE,  
15 MINORITY LEADER OF THE SENATE, SPEAKER OF THE ASSEMBLY, THE MINORITY  
16 LEADER OF THE ASSEMBLY AN ANNUAL PUBLIC REPORT CONTAINING THE STATISTICS  
17 AND OTHER INFORMATION REQUIRED BY THIS SUBDIVISION; AND

18 (C) PROMULGATE RULES AND REGULATIONS THAT SHALL BE ADOPTED BY ALL LAW  
19 ENFORCEMENT AGENCIES TO ASSURE THAT THE USE OF ELECTRONIC CONTROL WEAP-  
20 ONS BY POLICE AND PEACE OFFICERS IN THIS STATE IS APPROPRIATE, SAFE AND  
21 IN ACCORDANCE WITH DEPARTMENT OF JUSTICE GUIDELINES, AND PROHIBITING USE  
22 OF SUCH WEAPONS IN CIRCUMSTANCES WHERE THEIR USE IS NOT NECESSARY OR  
23 APPROPRIATE.

24 S 2. This act shall take effect on the one hundred eightieth day after  
25 it shall have become a law.