STATE OF NEW YORK

9739

IN ASSEMBLY

February 5, 2018

Introduced by M. of A. D. ROSENTHAL, McDONOUGH -- Multi-Sponsored by -- M. of A. MONTESANO, MOSLEY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to auxiliary police and their ability to carry a collapsible police baton

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision b of section 265.20 of the penal law, as amended by chapter 75 of the laws of 1983, and as relettered by chapter 376 of the laws of 1995, is amended to read as follows:

b. Section 265.01 shall not apply to possession of that type of billy commonly known as a "police baton" **or a collapsible "police baton"** which is twenty-four to twenty-six inches in length and no more than one and one-quarter inches in thickness by members of an auxiliary police force [~~of a city with a population in excess of one million persons or the county of Suffolk~~] when duly authorized by regulation or order issued by the police commissioner of such city or such county respectively. Such regulations shall require training in the use of the police baton including but not limited to the defensive use of the baton and instruction in the legal use of deadly physical force pursuant to article thirty-five of this chapter. Notwithstanding the provisions of this section or any other provision of law, possession of such baton shall not be authorized when used intentionally to strike another person except in those situations when the use of deadly physical force is authorized by such article thirty-five.

§ 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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