

# 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 Assem-  
bly, do enact as follows:

1 Section 1. Subdivision b of section 265.20 of the penal law, as  
2 amended by chapter 75 of the laws of 1983, and as relettered by chapter  
3 376 of the laws of 1995, is amended to read as follows:

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

19 § 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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