STATE OF NEW YORK

5178--A

2019-2020 Regular Sessions

IN ASSEMBLY

February 7, 2019

Introduced by M. of A. BLAKE, ARROYO, FERNANDEZ, RIVERA, D'URSO -- read once and referred to the Committee on Local Governments -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to prohibiting police officers from carrying or using a firearm during any phase of the officer's official duties unless the officer has satisfactorily completed a course of training that meets or exceeds the minimum standards established by the municipal police training council

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 840-a to read as follows:

§ 840-a. Municipal police; firearm use. No municipality shall allow any police officer it employs to carry or use a firearm during any phase of the officer's official duties, which constitutes on-duty employment, unless the officer has satisfactorily completed a course of training that meets or exceeds the minimum standards established by the municipal police training council in the use of deadly physical force and firearms, and annually receives instruction in the use of deadly physical force and firearms that meets or exceeds the minimum standards established by the municipal police training council. All employers of police officers shall conduct, or provide through another organization, such training required by this section with sufficient frequency to ensure there is no impact on a police officer's on-duty employment due to lack of available training. A police officer shall not be transferred from his or her precinct, command, assignment, post, squad, or tour of duty as a result of such employer's failure to provide the training required under this section. In addition, such employer's failure to

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

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provide the training required under this section shall not impair a police officer's ability to carry a firearm while off-duty.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.