

# STATE OF NEW YORK

---

2575

2019-2020 Regular Sessions

## IN SENATE

January 28, 2019

---

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the executive law, in relation to requiring a law enforcement officer or peace officer who discharges his or her weapon under circumstances where a person could be struck by a bullet to immediately report the incident

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

1 Section 1. The executive law is amended by adding a new section 837-t  
2 to read as follows:

3 § 837-t. Report of discharge of weapon. 1. Any law enforcement offi-  
4 cer or peace officer who discharges his or her weapon while on duty or  
5 off duty under circumstances wherein a person could be struck by a  
6 bullet from the weapon, including situations wherein such officer  
7 discharges his or her weapon in the direction of a person, shall verbal-  
8 ly report the incident to his or her superiors within six hours of the  
9 occurrence of the incident and shall prepare and file a written report  
10 of the incident within forty-eight hours of the occurrence of the inci-  
11 dent. Nothing contained in this section shall prevent any officer from  
12 invoking his or her constitutional right to avoid self-incrimination.

13 2. As used in this section "law enforcement officer" means a state or  
14 local police officer and "peace officer" means any person designated as  
15 a peace officer pursuant to section 2.10 of the criminal procedure law.

16 § 2. This act shall take effect immediately.

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

LBD05659-01-9