

# STATE OF NEW YORK

8226

2019-2020 Regular Sessions

## IN ASSEMBLY

June 7, 2019

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

AN ACT to amend the civil rights law, in relation to medical attention  
for persons under arrest

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

1 Section 1. The civil rights law is amended by adding a new section 28  
2 to read as follows:

3 § 28. Medical attention for persons under arrest. When a person is  
4 under arrest or otherwise in the custody of a police officer, peace  
5 officer or other law enforcement representative or entity, such officer,  
6 representative or entity shall have a duty to provide attention to the  
7 medical and mental health needs of such person, and obtain assistance  
8 and treatment of such needs for such person, which are reasonable and  
9 provided in good faith under the circumstances. Any person who has not  
10 received such reasonable and good faith attention, assistance or treat-  
11 ment and who, as a result, suffers injury or significant exacerbation of  
12 an injury or condition shall have a cause of action against such offi-  
13 cer, representative, and/or entity. In any such civil action, the court,  
14 in addition to awarding monetary damages and costs, may award reasonable  
15 attorneys' fees to a successful plaintiff.

16 § 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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