STATE OF NEW YORK

8226--A

2019-2020 Regular Sessions

IN ASSEMBLY

June 7, 2019

Introduced by M. of A. FERNANDEZ, REYES, PICHARDO, EPSTEIN, TAYLOR, RICHARDSON, JEAN-PIERRE, HYNDMAN, BLAKE, O'DONNELL, PERRY, HEVESI, SIMOTAS, AUBRY, JAFFEE, CRUZ, RIVERA, WALKER -- read once and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

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 Assembly, do enact as follows:

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

§ 28. Medical attention for persons under arrest. When a person is under arrest or otherwise in the custody of a police officer, peace officer or other law enforcement representative or entity, such officer, representative or entity shall have a duty to provide attention to the medical and mental health needs of such person, and obtain assistance and treatment of such needs for such person, which are reasonable and provided in good faith under the circumstances. Any person who has not received such reasonable and good faith attention, assistance or treatment and who, as a result, suffers injury or significant exacerbation of an injury or condition shall have a cause of action against such officer, representative, and/or entity. In any such civil action, the court, in addition to awarding actual damages and costs, may award reasonable attorneys' fees to a successful plaintiff. The provisions of this section are in addition to, but shall not supersede, any other rights or remedies available in law or equity.

§ 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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