STATE OF NEW YORK

2558

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. FAHY, AUBRY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to law enforcement intervention against police misconduct

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 837-w to read as follows:

§ 837-w. Law enforcement intervention against police misconduct. 1. Definitions. When used in this section, and unless the specific context indicates otherwise, the following terms shall have the following meanings:

(a) "Police misconduct" means conduct by a law enforcement officer in the course of an arrest or otherwise in the official capacity of such law enforcement officer that is:

(i) excessive, forceful, or violent and that is not justified under section 35.30 of the penal law;

(ii) a false arrest;

(iii) sexual misconduct; or

(iv) witness tampering.

(b) A "law enforcement employee" means:

(i) any employee of the state police department, as defined in section two hundred twenty-three of this chapter;

(ii) any employee of a county sheriff's department; or

(iii) any employee of a city, town, village, university, park, or public authority's police department.

2. Immunity from liability and professional retaliation against a law enforcement employee who intervenes against police misconduct.

(a) Any law enforcement employee who in good faith intervenes against police misconduct in compliance with this article shall have immunity

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

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from any liability, civil or criminal, that might otherwise result by reason of such actions.

(b) A law enforcement agency shall not take any retaliatory personnel action, as such term is defined in paragraph (e) of subdivision one of section seven hundred forty of the labor law, against a law enforcement employee because such employee believes that he or she had reasonable cause to intervene against police misconduct and intervened against such police misconduct.

§ 2. This act shall take effect immediately.