STATE OF NEW YORK

6283

2021-2022 Regular Sessions

IN ASSEMBLY

March 12, 2021

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

AN ACT to amend the executive law and the criminal procedure law, in relation to directing the superintendent of state police to develop and institute child-sensitive arrest policies and procedures for instances where police are arresting an individual who is a parent, guardian or other person legally charged with the care or custody of a child

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 214-g
2	to read as follows:
3	§ 214-g. Child-sensitive arrests. The superintendent, in consultation
4	with the office of children and family services and the division of
5	criminal justice services, shall develop, maintain and disseminate to
б	all members of the state police, including new and veteran officers,
7	written policies and procedures, regarding child-sensitive arrest prac-
8	tices. Such policies and procedures shall ensure the identification and
9	safety of a child less than eighteen years old when such child's parent,
10	guardian, or other person legally charged with the care or custody of
11	such child is arrested. Such policies and procedures shall include, but
12	not be limited to:
13	(a) procedures to ensure that state police officers inquire and docu-
14	ment whether an arrestee is the parent, guardian or person legally
15	<u>charged with the care or custody of a child;</u>
16	(b) procedures to allow for the arrangement of temporary care for the
17	child of an arrested parent, guardian or other person legally charged
18	with the care or custody of such child to ensure such child's safety and
19	well-being, which may include allowing the arrested parent, guardian or
20	other person legally charged with the care or custody of such child to
21	place additional phone calls to arrange for child care;
22	(c) education on how witnessing violence causes emotional harm to
23	children and how law enforcement can assist in minimizing the impact of
24	such harm; and

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

LBD08211-01-1

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1	(d) information on the availability of access to community-based
2	providers of crisis intervention, child protection and other supportive
3	resources that could aid the child of an arrested parent, guardian or
4	other person legally charged with the care or custody of such child.
5	§ 2. Subdivision 3 of section 840 of the executive law is amended by
6	adding a new paragraph (f-2) to read as follows:
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	(f-2) Developing, maintaining and disseminating, in consultation with
8	the office of children and family services, written policies and proce-
9	dures regarding child-sensitive arrest practices. Such policies and
10	procedures shall ensure the identification and safety of a child less
11	than eighteen years old when such child's parent, guardian, or other
12	person legally charged with the care or custody of such child is
13	arrested. Such polices and procedures shall include, but not be limited
14	to:
15	(1) procedures to ensure that local law enforcement officers inquire
16	and document whether an arrestee is the parent, guardian or person
17	legally charged with the care or custody of a child;
18	(2) procedures to allow for the arrangement of temporary care for the
19	child of an arrested parent, guardian or other person legally charged
20	with the care or custody of such child to ensure such child's safety and
21	well-being, which may include allowing the arrested parent, guardian or
22	other person legally charged with the care or custody of such child to
23	place additional phone calls to arrange for child care;
24	(3) education on how witnessing violence causes emotional harm to
25	children and how law enforcement can assist in minimizing the impact of
26	such harm; and
27	(4) information on the availability of access to community-based
28	providers of crises intervention, child protection and other supportive
29	resources that could aid the child of an arrested parent, guardian or
30	other person legally charged with the care or custody of such child;
31	§ 3. The criminal procedure law is amended by adding two new sections
32	120.85 and 140.17 to read as follows:
33	§ 120.85 Child-sensitive arrests.
34	A state or local law enforcement officer who arrests an individual
35	shall, at the time of the arrest, inquire whether such individual is the
36	parent, quardian or other person legally charged with the care or custo-
37	dy of a child less than eighteen years old who may be at risk as a
38	result of the arrest. The officer shall make reasonable efforts to
39	ensure the safety of such child in accordance with the policies and
40	procedures established pursuant to section two hundred fourteen-q or
41	paragraph (f-2) of subdivision three of section eight hundred forty of
42	the executive law as applicable.
43	§ 140.17 Child-sensitive arrests.
44	A state or local law enforcement officer who arrests an individual
45	shall, at the time of the arrest, inquire whether such individual is the
46	parent, quardian or other person legally charged with the care or custo-
47	dy of a child less than eighteen years old who may be at risk as a
48	result of the arrest. The officer shall make reasonable efforts to
49	ensure the safety of such child in accordance with the policies and
50	procedures established pursuant to section two hundred fourteen-q or
50 51	paragraph $(f-2)$ of subdivision three of section eight hundred forty of
52	the executive law as applicable.
53	§ 4. This act shall take effect on the one hundred eightieth day after
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54 it shall have become a law.