STATE OF NEW YORK

2763

2021-2022 Regular Sessions

IN SENATE

January 25, 2021

Introduced by Sens. RAMOS, HOYLMAN, JACKSON, LIU, MYRIE, SEPULVEDA, STAVISKY -- 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 the division of criminal justice services to establish a policy prohibiting police agencies from using chemical weapons and kinetic energy munitions on civilian populations

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

Section 1. Section 837 of the executive law is amended by adding a new subdivision 23 to read as follows:

23. Establish a written policy prohibiting police agencies from using chemical weapons and kinetic energy munitions on civilian populations. Such policy shall prohibit police agencies from developing, producing, or otherwise acquiring or stockpiling, retaining, or transferring, directly or indirectly, chemical weapons or kinetic energy munitions. Such policy shall also require police agencies to destroy any chemical weapons possessed by such agency or located in a place under the jurisdiction or control of such agency. For the purposes of this subdivision:

(a) "Chemical weapons" means:

(i) toxic chemicals and their precursors, except where intended for purposes not prohibited pursuant to this subdivision and where the types and quantities of such chemicals are consistent with such purposes;

(ii) munitions and devices specifically designed to cause death or other harm through toxic properties of toxic chemicals as described in subparagraph (i) of this paragraph which would be released as a result of the employment of such munitions and devices; or

(iii) any equipment specifically designed for use directly in connection with the employment of munitions and devices as described in subparagraph (ii) of this paragraph.

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

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(b) "Toxic chemical" means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. Toxic chemicals include all chemicals defined as toxic chemicals pursuant to this subparagraph, regardless of the origin or method of production of the chemical and regardless of whether the chemicals are produced in facilities, in munitions or elsewhere.

(c) "Kinetic energy munitions" includes, but is not limited to, impact rounds, including rubber baton rounds, plastic, wax, wood or rubber-coated projectiles.

§ 2. This act shall take effect immediately.