

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:

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

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

11 (a) "Chemical weapons" means:

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

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

19 (iii) any equipment specifically designed for use directly in
20 connection with the employment of munitions and devices as described in
21 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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1 (b) "Toxic chemical" means any chemical which through its chemical
2 action on life processes can cause death, temporary incapacitation or
3 permanent harm to humans or animals. Toxic chemicals include all chemi-
4 cals defined as toxic chemicals pursuant to this subparagraph, regard-
5 less of the origin or method of production of the chemical and regard-
6 less of whether the chemicals are produced in facilities, in munitions
7 or elsewhere.

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

11 § 2. This act shall take effect immediately.