STATE OF NEW YORK

2022--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. CLARK -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to requiring reporting to the federal bureau of investigation's national use-of-force data collection program

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

Section 1. Section 837-t of the executive law is amended by adding a new subdivision 3 to read as follows:

3. a. In accordance with the reporting requirements established pursuant to subdivision one of this section, the division of criminal justice services shall report to the federal bureau of investigation's national use-of-force data collection program, in a form and manner as requested by such bureau, any instance or occurrence in which a police officer, as defined in subdivision thirty-four of section 1.20 of the criminal procedure law, or a peace officer, as defined in section 2.10 of the criminal procedure law, employs the use of force as follows:

(i) brandishes, uses or discharges a firearm or non-lethal projection weapon, including, but not limited to, the use of rubber bullets, at or in the direction of another person; or

(ii) uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or

(iii) displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas; or

(iv) brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy; or

(v) brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb or long range acoustic device; or

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

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(vi) engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

b. Such report shall include, but not be limited to, detailed circumstances of every incident, the age, race, sex, sexual orientation, gender, gender identity or expression, and ethnicity of all persons engaging in the use of force or suffering such injury.

c. Any police department or sheriff's office, or the division of state police that fails to make a report required pursuant to subdivision one of this section shall be subject to the withholding of ten percent of any state funding due to such department or office, or the division of state police until such report has been submitted.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.