STATE OF NEW YORK

1044

2023-2024 Regular Sessions

IN SENATE

January 9, 2023

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to providing that no police officer shall arrest, restrain or otherwise subdue a child who is thirteen years of age or less while effecting the arrest of the parent or guardian of such child

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

Section 1. Section 140.10 of the criminal procedure law is amended by adding a new subdivision 7 to read as follows:

7. No police officer shall arrest, restrain, or otherwise subdue a child who is thirteen years of age or less while effecting the arrest of the parent or guardian of such child. When effecting the arrest of any person, any police officer present at the scene of arrest shall inquire as to the presence of any such child at the scene. If any such child is present, all police officers present at the scene of arrest shall have an affirmative duty to keep such child safe, shall permit the person being arrested to communicate with such child up until such person is removed from the scene, and shall, in collaboration with any relevant social work or community organization, provide for the delivery of such child to another parent or legal guardian who is authorized to have custody.

§ 2. Section 140.25 of the criminal procedure law is amended by adding a new subdivision 6 to read as follows:

6. No peace officer shall arrest, restrain, or otherwise subdue a child who is thirteen years of age or less while effecting the arrest of the parent or guardian of such child. When effecting the arrest of any person, all peace officers present at the scene of arrest shall inquire as to the presence of any such child at the scene. If any such child is present, any peace officer present at the scene of arrest shall have an affirmative duty to keep such child safe, shall permit the person being

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

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arrested to communicate with such child up until such person is removed from the scene, and shall, in collaboration with any relevant social work or community organization, provide for the delivery of such child to another parent or legal guardian who is authorized to have custody.

§ 3. This act shall take effect immediately.