

# STATE OF NEW YORK

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3951

2023-2024 Regular Sessions

## IN ASSEMBLY

February 8, 2023

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

AN ACT to amend the penal law, in relation to allowing members of the  
Nassau County auxiliary police force to possess a police baton when  
authorized by the police commissioner of such county

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

1 Section 1. Subdivision b of section 265.20 of the penal law, as  
2 amended by chapter 75 of the laws of 1983 and as relettered by chapter  
3 376 of the laws of 1995, is amended to read as follows:

4 b. Section 265.01 of this article shall not apply to possession of  
5 that type of billy commonly known as a "police baton" which is twenty-  
6 four to twenty-six inches in length and no more than one and one-quarter  
7 inches in thickness by members of an auxiliary police force of a city  
8 with a population in excess of one million persons [~~or~~], the county of  
9 Suffolk or the county of Nassau when duly authorized by regulation or  
10 order issued by the police commissioner of such city or such county  
11 respectively. Such regulations shall require training in the use of the  
12 police baton including but not limited to the defensive use of the baton  
13 and instruction in the legal use of deadly physical force pursuant to  
14 article thirty-five of this chapter. Notwithstanding the provisions of  
15 this section or any other provision of law, possession of such baton  
16 shall not be authorized when used intentionally to strike another person  
17 except in those situations when the use of deadly physical force is  
18 authorized by such article thirty-five.

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

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

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