

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:

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

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

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

17 6. No peace officer shall arrest, restrain, or otherwise subdue a
18 child who is thirteen years of age or less while effecting the arrest of
19 the parent or guardian of such child. When effecting the arrest of any
20 person, all peace officers present at the scene of arrest shall inquire
21 as to the presence of any such child at the scene. If any such child is
22 present, any peace officer present at the scene of arrest shall have an
23 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.

LBD02677-01-3

1 arrested to communicate with such child up until such person is removed
2 from the scene, and shall, in collaboration with any relevant social
3 work or community organization, provide for the delivery of such child
4 to another parent or legal guardian who is authorized to have custody.
5 § 3. This act shall take effect immediately.