

STATE OF NEW YORK

5448--A

2023-2024 Regular Sessions

IN SENATE

March 6, 2023

Introduced by Sens. JACKSON, COMRIE, HOYLMAN-SIGAL, MYRIE, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee and committed to the Committee on Finance -- 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:

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

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

10
11 (i) brandishes, uses or discharges a firearm or non-lethal projection
12 weapon, including, but not limited to, the use of rubber bullets, at or
13 in the direction of another person; or

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

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

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

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

LBD04744-02-3

1 (v) brandishes, uses or deploys an electronic control weapon, includ-
2 ing, but not limited to, an electronic stun gun, flash bomb or long
3 range acoustic device; or

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

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

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

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