STATE OF NEW YORK

957

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 the temporary questioning of persons in public places

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

Section 1. Section 140.50 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows:

5. When upon stopping a person under circumstances as prescribed by sections 1156, 1163, and 1263 of the vehicle and traffic law, a law enforcement officer shall not search such person for the following items:

(a) any substance prohibited by article 220 of the penal law;

(b) any substance prohibited by article 222 of the penal law in the amounts prohibited by that article;

(c) a deadly weapon or any instrument, article or substance readily capable of causing serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons, unless such officer reasonably suspects that they are in danger of physical injury. If such officer finds such a weapon or instrument, or any other property possession of which he or she reasonably believes may constitute the commission of a crime, he or she may take it and keep it until the completion of the questioning, at which time he or she shall either return it, if lawfully possessed, or arrest such person.

§ 2. This act shall take effect immediately.

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

LBD02581-01-3