# STATE OF NEW YORK

813

2025-2026 Regular Sessions

# IN ASSEMBLY

(Prefiled)

January 8, 2025

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

AN ACT to amend the executive law and the criminal procedure law, in relation to directing the superintendent of state police to develop and institute child-sensitive arrest policies and procedures for instances where police are arresting an individual who is a parent, guardian or other person legally charged with the care or custody of a child

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

Section 1. Section 214-i of the executive law, as added by a chapter of the laws of 2024 amending the executive law and the criminal procedure law, in relation to directing the superintendent of state police to develop and institute child-sensitive arrest policies and procedures for instances where police are arresting an individual who is a parent, guardian or other person legally charged with the care or custody of a child, as proposed in legislative bills numbers S. 2747 and A. 3502, is amended to read as follows:

§ 214-i. Child-sensitive arrests. The superintendent, in consultation with the office of children and family services [~~and the division of criminal justice services~~], shall develop, maintain and disseminate to all members of the state police[~~, including new and veteran officers,~~] written policies and procedures, regarding child-sensitive arrest practices. Such policies and procedures shall [~~ensure the identification and safety of a child less than eighteen years old when such child's~~] address situations in which the parent, guardian, or other person legally charged with the care or custody of [~~such~~] a child less than eighteen years old is arrested. Such policies and procedures shall include, but not be limited to:

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

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(a) procedures [~~to ensure that state police officers inquire~~] regarding identification and [~~document~~] documentation of whether an arrestee is the parent, guardian or person legally charged with the care or custody of a child;

(b) procedures to allow for the arrangement of temporary care for the child of an arrested parent, guardian or other person legally charged with the care or custody of such child [~~to ensure such child's safety and well-being~~], which may include allowing the arrested parent, guardian or other person legally charged with the care or custody of such child to place additional phone calls to arrange for child care;

(c) [~~education on how witnessing violence causes emotional harm to children and how~~] appropriate actions that will allow law enforcement [~~can~~] to assist in minimizing the impact of [~~such~~] the emotional harm caused by witnessing such arrests; and

(d) information on the availability of access to community-based providers of crisis intervention, child protection and other supportive resources that could aid the child of an arrested parent, guardian or other person legally charged with the care or custody of such child.

§ 2. Paragraph (f-2) of subdivision 3 of section 840 of the executive law, as added by a chapter of the laws of 2024 amending the executive law and the criminal procedure law, in relation to directing the superintendent of state police to develop and institute child-sensitive arrest policies and procedures for instances where police are arresting an individual who is a parent, guardian or other person legally charged with the care or custody of a child, as proposed in legislative bills numbers S. 2747 and A. 3502, is amended to read as follows:

(f-2) [~~Developing, maintaining and disseminating~~] Develop, maintain and disseminate, in consultation with the office of children and family services, written policies and procedures regarding child-sensitive arrest practices. Such policies and procedures shall [~~ensure the identification and safety of a child less than eighteen years old when such child's~~] address such situations in which the parent, guardian, or other person legally charged with the care or custody of [~~such~~] a child less than eighteen years old is arrested. Such [~~polices~~] policies and procedures shall include, but not be limited to:

(1) procedures [~~to ensure that local law enforcement officers inquire~~] regarding identification and [~~document~~] documentation of whether an arrestee is the parent, guardian or person legally charged with the care or custody of a child;

(2) procedures to allow for the arrangement of temporary care for the child of an arrested parent, guardian or other person legally charged with the care or custody of such child [~~to ensure such child's safety and well-being~~], which may include allowing the arrested parent, guardian or other person legally charged with the care or custody of such child to place additional phone calls to arrange for child care;

(3) [~~education on how witnessing violence causes emotional harm to children and how~~] appropriate actions that will allow law enforcement [~~can~~] to assist in minimizing the impact of [~~such~~] the emotional harm caused by witnessing such arrests; and

(4) information on the availability of access to community-based providers of crises intervention, child protection and other supportive resources that could aid the child of an arrested parent, guardian or other person legally charged with the care or custody of such child;

§ 3. Section 120.85 of the criminal procedure law, as added by a chapter of the laws of 2024 amending the executive law and the criminal procedure law, in relation to directing the superintendent of state

police to develop and institute child-sensitive arrest policies and procedures for instances where police are arresting an individual who is a parent, guardian or other person legally charged with the care or custody of a child, as proposed in legislative bills numbers S. 2747 and A. 3502, is amended to read as follows:

§ 120.85 Child-sensitive arrests.

A state or local law enforcement officer who arrests an individual **legally charged with the care or custody of a child less than eighteen years old** shall **to the extent practicable**, at the time of the arrest, [~~**inquire whether such individual is the parent, guardian or other person legally charged with the care or custody of a child less than eighteen years old who may be at risk as a result of the arrest. The officer shall make reasonable efforts to ensure the safety of such child in accordance**~~] **take appropriate action that is conducive to the child's safety and/or security and is consistent** with the policies and procedures established pursuant to section two hundred fourteen-i or paragraph (f-2) of subdivision three of section eight hundred forty of the executive law as applicable.

§ 4. Section 140.17 of the criminal procedure law, as added by a chapter of the laws of 2024 amending the executive law and the criminal procedure law, in relation to directing the superintendent of state police to develop and institute child-sensitive arrest policies and procedures for instances where police are arresting an individual who is a parent, guardian or other person legally charged with the care or custody of a child, as proposed in legislative bills numbers S. 2747 and A. 3502, is amended to read as follows:

§ 140.17 Child-sensitive arrests.

A state or local law enforcement officer who arrests an individual **legally charged with the care or custody of a child less than eighteen years old** shall, **to the extent practicable,** at the time of the arrest[~~**,**~~ ~~**inquire whether such individual is the parent, guardian or other person legally charged with the care or custody of a child less than eighteen years old who may be at risk as a result of the arrest. The officer shall make reasonable efforts to ensure the safety of such child in accordance**~~] **take appropriate action that is conducive to the child's safety and/or security and is consistent** with the policies and procedures established pursuant to section two hundred fourteen-i or paragraph (f-2) of subdivision three of section eight hundred forty of the executive law as applicable.

§ 5. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2024 amending the executive law and the criminal procedure law, in relation to directing the superintendent of state police to develop and institute child-sensitive arrest policies and procedures for instances where police are arresting an individual who is a parent, guardian or other person legally charged with the care or custody of a child, as proposed in legislative bills numbers S. 2747 and A. 3502, takes effect.