

STATE OF NEW YORK

5741

2025-2026 Regular Sessions

IN SENATE

February 28, 2025

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to justification for the use of deadly physical force by a police or peace officer

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

1 Section 1. This act shall be known and may be cited as the "New York
2 police use of deadly force restraint act".

3 § 2. Subdivision 1 of section 35.30 of the penal law, as added by
4 chapter 73 of the laws of 1968, the opening paragraph as amended by
5 chapter 511 of the laws of 2004, and paragraph (c) as amended by chapter
6 843 of the laws of 1980, is amended and a new subdivision 1-a is added
7 to read as follows:

8 1. A police officer or a peace officer, in the course of effecting or
9 attempting to effect an arrest, or of preventing or attempting to
10 prevent the escape from custody, of a person whom [~~he or she~~] such offi-
11 cer reasonably believes to have committed an offense, may use physical
12 force when and to the extent [~~he or she~~] such officer reasonably
13 believes such to be necessary to effect the arrest, or to prevent the
14 escape from custody, or in self-defense or to defend a third person from
15 what [~~he or she~~] such officer reasonably believes to be the use or immi-
16 nent use of physical force; except that deadly physical force may be
17 used for such purposes only when [~~he or she~~] such officer reasonably
18 believes that:

19 (a) The offense committed by such person was[+
20 ~~(i) a felony or an attempt to commit a felony involving the use or~~
21 ~~attempted use or threatened imminent use of physical force against a~~
22 ~~person; or~~
23 ~~(ii) kidnapping, arson, escape in the first degree, burglary in the~~
24 ~~first degree or any attempt to commit such a crime] a felony that
25 threatened or resulted in death or serious bodily injury, if the officer~~

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

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1 reasonably believes that the person will cause death or serious bodily
2 injury to another person unless immediately apprehended. Where feasible,
3 a police officer or peace officer shall, prior to the use of force,
4 make reasonable efforts to identify themselves as a police officer or
5 peace officer and to warn that deadly force may be used, unless the
6 officer has objectively reasonable grounds to believe such person is
7 aware of those facts; or

8 (b) [~~The offense committed or attempted by such person was a felony~~
9 ~~and that, in the course of resisting arrest therefor or attempting to~~
10 ~~escape from custody, such person is armed with a firearm or deadly weap-~~
11 ~~on; or~~

12 (e)] Regardless of the particular offense which is the subject of the
13 arrest or attempted escape, the use of deadly physical force is neces-
14 sary to defend the police officer or peace officer or another person
15 from what the officer reasonably believes to be the use or imminent use
16 of deadly physical force.

17 1-a. A police officer or peace officer shall not use deadly force
18 against a person based on the danger that such person poses to such
19 officer, if an objectively reasonable officer would believe the person
20 does not pose an imminent threat of death or serious bodily injury to
21 the police officer, peace officer or to another person.

22 § 3. This act shall take effect immediately.