# 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:**

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

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

1. A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom [~~he or she~~] **such officer** reasonably believes to have committed an offense, may use physical force when and to the extent [~~he or she~~] **such officer** reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or in self-defense or to defend a third person from what [~~he or she~~] **such officer** reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when [~~he or she~~] **such officer** reasonably believes that:

(a) The offense committed by such person was[~~:~~

~~(i) a felony or an attempt to commit a felony involving the use or attempted use or threatened imminent use of physical force against a person; or~~

~~(ii) kidnapping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime~~] **a felony that 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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reasonably believes that the person will cause death or serious bodily injury to another person unless immediately apprehended. Where feasible, a police officer or peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a police officer or peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe such person is aware of those facts; or

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

~~(c)~~] Regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.

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

§ 3. This act shall take effect immediately.