STATE OF NEW YORK

8884

IN SENATE

January 13, 2026

Introduced by Sens. COONEY, BAILEY, BYNOE, FERNANDEZ, GALLIVAN, HARCKHAM, HINCHEY, JACKSON, MARTINEZ, MAY, MAYER, ROLISON, C. RYAN, SANDERS, SCARCELLA-SPANTON, SKOUFIS, WALCZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to the development of a critical incident policy for members of the division of state police

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

Section 1. The executive law is amended by adding a new section 214-j to read as follows:

§ 214-j. Critical incident policy. 1. The superintendent shall develop, maintain and disseminate to all members of the division of state police a critical incident leave policy requiring critical incident paid leave for any members of the division of state police directly involved in a critical incident.

2. For purposes of this section, the following terms shall have the following meanings:

(a) the term "critical incident" shall mean any action taken by a member of the division of state police during the course of the performance of their official duties resulting in the serious physical injury or death of another person where the use of force was justified; and

(b) the term "critical incident paid leave" shall mean paid leave of at least twenty calendar days for any member of the division of state police whose official actions were the direct and proximate cause of the serious physical injury or death of another person, and paid leave of fifteen calendar days for any member of the division of state police who, although directly involved in a critical incident, was not the direct and proximate cause of the serious physical injury or death of another person.

3. Critical incident paid leave shall begin as soon as possible after the critical incident, provided however, that the superintendent may delay such leave for members who were directly involved in a critical incident but were not the direct and proximate cause of the serious injury or death. Critical incident leave may only be delayed to ensure

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

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minimum necessary staffing levels or protect community safety. Delays may only be as long as necessary to address such concerns.

4. In any case where critical incident paid leave has been made to a member of the division of the state police, and it is thereafter determined that a critical incident did not occur, the superintendent may order the withholding of future paid leave to such member, provided that the amount of days withheld shall not be more than the critical incident paid leave days that were originally provided.

5. The superintendent shall be prohibited from taking any punitive administrative action against any member of the division of state police granted critical incident leave under this section solely on the basis of the provision of such leave.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.