

STATE OF NEW YORK

4968

2025-2026 Regular Sessions

IN ASSEMBLY

February 10, 2025

Introduced by M. of A. E. BROWN, GIGLIO, MANKTELOW, McDONOUGH, DiPIETRO, FITZPATRICK, FRIEND, ANGELINO, CHANG, DeSTEFANO, BLANKENBUSH, LEMONDES, NOVAKHOV -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, the penal law and the civil rights law, in relation to being a good samaritan; and making an appropriation therefor

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Penny for a hero good samaritan protection act".

3 § 2. Legislative intent. The Penny for a hero good samaritan
4 protection act seeks to encourage and protect individuals who act self-
5 lessly to intervene in emergency situations and save lives, without fear
6 of legal repercussions, provided their actions were reasonable, propor-
7 tionate, and in good faith. The act aims to create a framework that
8 distinguishes between lawful assistance in life-threatening emergencies
9 and unlawful behavior, safeguarding innocent bystanders who choose to
10 help others from criminal liability.

11 The act is inspired by the actions of Daniel Penny, who intervened in
12 a life-threatening situation aboard the New York City subway, illustrat-
13 ing the importance of clear and just protections for those who step in
14 to help others in distress. The name, "Penny for a hero", symbolizes the
15 idea that even a small act of bravery can have a significant and lasting
16 impact on the lives of those involved.

17 § 3. Subdivision 7 of section 621 of the executive law, as added by
18 chapter 351 of the laws of 1982, is amended and a new subdivision 7-a is
19 added to read as follows:

20 7. "Good samaritan" shall mean a person who, other than a law enforce-
21 ment officer, acts in good faith and believes that reasonable inter-
22 vention is necessary (a) to apprehend a person who has committed a crime

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

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1 in [~~his~~] such person's presence or who has in fact committed a felony,
2 (b) to prevent a crime or an attempted crime from occurring, or (c) to
3 aid a law enforcement officer in effecting an arrest.

4 7-a. "Reasonable intervention" means a person acting as a good samari-
5 tan pursuant to subdivision seven of this section shall be protected
6 from liability if their intervention was made in good faith to prevent
7 imminent harm, even if the situation escalates beyond what was intended.

8 § 4. Subdivision 5 of section 631 of the executive law, as amended by
9 section 22 of part A-1 of chapter 56 of the laws of 2010, paragraph (e)
10 as amended by chapter 70 of the laws of 2020, paragraph (f) as added by
11 section 5 of part H of chapter 55 of the laws of 2017, and paragraph (g)
12 as added by chapter 494 of the laws of 2018, is amended to read as
13 follows:

14 5. (a) In determining the amount of an award, the office shall deter-
15 mine whether, because of [~~his~~] such victim's conduct, the victim of such
16 crime contributed to the infliction of [~~his~~] their own injury, and the
17 office shall reduce the amount of the award or reject the claim alto-
18 gether, in accordance with such determination.

19 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
20 sion, the office shall disregard for this purpose the responsibility of
21 the victim for [~~his~~] their own injury where the record shows that the
22 person injured was acting as a good samaritan, as defined in this arti-
23 cle.

24 (c) Notwithstanding any inconsistent provision of this article, where
25 the person injured acted as a good samaritan, the office may, without
26 regard to the financial difficulty of the claimant, make an award for
27 out-of-pocket losses. Such award may also include compensation for any
28 loss of property up to five thousand dollars suffered by the victim
29 during the course of [~~his~~] their actions as a good samaritan.

30 (d) Notwithstanding any inconsistent provision of this article, where
31 a person acted as a good samaritan, and was killed as a direct result of
32 the crime, the office may, without regard to the financial difficulty of
33 the claimant, make a lump sum award to such claimant for actual loss of
34 support not to exceed thirty thousand dollars.

35 (e) Notwithstanding any inconsistent provision of this article, where
36 a police officer or firefighter, both paid and volunteer, dies from
37 injuries received in the line of duty as a direct result of a crime, the
38 office may, without regard to the financial difficulty of the claimant,
39 make an award for the unreimbursed counseling expenses of the eligible
40 spouse, domestic partner, parents, brothers, sisters or children of such
41 victim, and/or the reasonable burial expenses incurred by the claimant.

42 (f) Notwithstanding the provisions of paragraph (a) of this subdivi-
43 sion, the office shall disregard for this purpose the responsibility of
44 the victim for [~~his-or-her~~] such victim's own loss of savings.

45 (g) Notwithstanding the provisions of paragraph (a) of this subdivi-
46 sion, if the crime upon which the claim is based resulted in the death
47 of the victim, the office shall determine whether, because of [~~his-or~~
48 ~~her~~] such victim's conduct, the victim of such crime contributed to the
49 infliction of [~~his-or-her~~] their own injury, and the office may reduce
50 the amount of the award by no more than fifty percent, in accordance
51 with such determination.

52 § 5. Section 35.10 of the penal law, subdivision 1 as amended by chap-
53 ter 930 of the laws of 1974, and subdivisions 5 and 6 as amended by
54 chapter 511 of the laws of 2004, is amended to read as follows:

55 § 35.10 Justification; use of physical force generally.

1 The use of physical force upon another person which would otherwise
2 constitute an offense is justifiable and not criminal under any of the
3 following circumstances:

4 1. A parent, guardian or other person entrusted with the care and
5 supervision of a person under the age of twenty-one or an incompetent
6 person, and a teacher or other person entrusted with the care and super-
7 vision of a person under the age of twenty-one for a special purpose,
8 may use physical force, but not deadly physical force, upon such person
9 when and to the extent that [~~he~~] such parent, guardian or other person
10 reasonably believes [~~it~~] reasonable intervention is necessary to main-
11 tain discipline or to promote the welfare of such person.

12 2. A warden or other authorized official of a jail, prison or correc-
13 tional institution may, in order to maintain order and discipline, use
14 such physical force as is authorized by the correction law.

15 3. A person responsible for the maintenance of order in a common
16 carrier of passengers, or a person acting under [~~his~~] such person's
17 direction, may use physical force when and to the extent that [~~he~~] such
18 person reasonably believes [~~it~~] that reasonable intervention is neces-
19 sary to maintain order, but [~~he~~] may use deadly physical force only when
20 [~~he~~] such person reasonably believes it necessary to prevent death or
21 serious physical injury.

22 4. A person acting under a reasonable belief that another person is
23 about to commit suicide or to inflict serious physical injury upon
24 [~~himself~~] themselves may use physical force upon such person to the
25 extent that [~~he~~] such person reasonably believes it necessary to thwart
26 such result.

27 5. A duly licensed physician, or a person acting under a physician's
28 direction, may use physical force for the purpose of administering a
29 recognized form of treatment which [~~he or she~~] such person reasonably
30 believes to be adapted to promoting the physical or mental health of the
31 patient if (a) the treatment is administered with the consent of the
32 patient or, if the patient is under the age of eighteen years or an
33 incompetent person, with the consent of the parent, guardian or other
34 person entrusted with the patient's care and supervision, or (b) the
35 treatment is administered in an emergency when the physician reasonably
36 believes that no one competent to consent can be consulted and that a
37 reasonable person, wishing to safeguard the welfare of the patient,
38 would consent.

39 6. A person may, pursuant to the ensuing provisions of this article,
40 use physical force upon another person in self-defense or defense of a
41 third person, or in defense of premises, or in order to prevent larceny
42 of or criminal mischief to property, or in order to effect an arrest or
43 prevent an escape from custody. Whenever a person is authorized by any
44 such provision to use deadly physical force in any given circumstance,
45 nothing contained in any other such provision may be deemed to negate or
46 qualify such authorization.

47 7. A person may use physical force when and to the extent that such
48 person reasonably believes that reasonable intervention is necessary to
49 maintain order, but may use deadly physical force only when such person
50 reasonably believes that reasonable intervention necessary to prevent
51 death or serious physical injury.

52 8. For the purposes of this section the term, "reasonable inter-
53 vention" means a person acting as a good samaritan shall be protected
54 from liability if their intervention was made in good faith to prevent
55 imminent harm, even if the situation escalates beyond what was intended.

1 § 6. Section 35.15 of the penal law, as added by chapter 73 of the
2 laws of 1968, subdivisions 1 and 2 as amended by chapter 511 of the laws
3 of 2004, and paragraph (b) of subdivision 2 as amended by chapter 23 of
4 the laws of 2024, is amended to read as follows:

5 § 35.15 Justification; use of physical force in defense of a person.

6 1. A person may, subject to the provisions of subdivision two of this
7 section, use physical force upon another person when and to the extent
8 [~~he or she~~] such person reasonably believes [~~such~~] reasonable inter-
9 vention to be necessary to defend [~~himself, herself~~] themselves or a
10 third person from what [~~he or she~~] such person reasonably believes to be
11 the use or imminent use of unlawful physical force by such other person,
12 unless:

13 (a) The latter's conduct was provoked by the actor with intent to
14 cause physical injury to another person; or

15 (b) The actor was the initial aggressor; except that in such case the
16 use of physical force is nevertheless justifiable if the actor has with-
17 drawn from the encounter and effectively communicated such withdrawal to
18 such other person but the latter persists in continuing the incident by
19 the use or threatened imminent use of unlawful physical force; or

20 (c) The physical force involved is the product of a combat by agree-
21 ment not specifically authorized by law.

22 2. A person may not use deadly physical force upon another person
23 under circumstances specified in subdivision one of this section unless:

24 (a) The actor reasonably believes that such other person is using or
25 about to use deadly physical force and reasonable intervention is neces-
26 sary. Even in such case, however, the actor may not use deadly physical
27 force if [~~he or she~~] such actor knows that with complete personal safe-
28 ty, to oneself and others [~~he or she~~] such actor may avoid the necessity
29 of so doing by retreating; except that the actor is under no duty to
30 retreat if [~~he or she~~] such actor is:

31 (i) in [~~his or her~~] such actor's dwelling and not the initial aggres-
32 sor; or

33 (ii) a police officer or peace officer or a person assisting a police
34 officer or a peace officer at the latter's direction, acting pursuant to
35 section 35.30 of this article; or

36 (b) [~~He or she~~] Such actor reasonably believes that such other person
37 is committing or attempting to commit a kidnapping, forcible rape,
38 forcible aggravated sexual abuse, a crime formerly defined in section
39 130.50 of this chapter by force, or robbery; or

40 (c) [~~He or she~~] Such actor reasonably believes that such other person
41 is committing or attempting to commit a burglary, and the circum-
42 stances are such that the use of deadly physical force is authorized by subdivi-
43 sion three of section 35.20 of this article.

44 3. For the purposes of this section, the term "reasonable inter-
45 vention" means a person acting as a good samaritan shall be protected
46 from liability if their intervention was made in good faith to prevent
47 imminent harm, even if the situation escalates beyond what was intended.

48 § 7. The civil rights law is amended by adding a new section 79-r to
49 read as follows:

50 § 79-r. Civil immunity for certain persons assisting and providing
51 reasonable intervention in emergency situations. 1. Any person who
52 voluntarily and without the expectation of monetary compensation
53 provides assistance and reasonable intervention in the event of an acci-
54 dent or other emergency shall not be liable for any civil damages for
55 injuries resulting from any act of commission or omission on such
56 person's part in the course of rendering such assistance unless it is

1 established that such injuries were caused by gross negligence on the
2 part of such person.

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

5 (a) "reasonable intervention" means a person acting as a good samari-
6 tan shall be protected from liability if their intervention was made in
7 good faith to prevent imminent harm, even if the situation escalates
8 beyond what was intended.

9 (b) "gross negligence" means reckless, willful, wanton or intentional
10 misconduct.

11 § 8. 1. The office of crime victims, in consultation with the depart-
12 ment of mental hygiene and office of addiction services and supports,
13 shall conduct public service announcements and community-based training
14 programs aimed at educating citizens about the legal protections and
15 responsibilities of being a good samaritan. The goal is to foster a
16 culture of helpfulness and awareness across New York state, encouraging
17 individuals to help when they can.

18 2. As part of the broader effort to address situations like the tragic
19 death of Jordan Neely, this act shall allocate funds to develop better
20 mental health crisis response protocols, including, but not limited to,
21 additional training for first responders, law enforcement, and subway
22 personnel on how to handle such emergencies without resorting to exces-
23 sive force.

24 § 9. The sum of five hundred thousand dollars (\$500,000), or so much
25 thereof as may be necessary, is hereby appropriated to the department of
26 mental hygiene out of any moneys in the state treasury in the general
27 fund to the credit of the office of addiction services and supports, not
28 otherwise appropriated, and made immediately available, for the purpose
29 of carrying out the provisions of this act. Such moneys shall be payable
30 on the audit and warrant of the comptroller on vouchers certified or
31 approved by the commissioner of the office of addiction services and
32 supports in the manner prescribed by law.

33 § 10. This act shall take effect immediately.