

STATE OF NEW YORK

6452--B

2025-2026 Regular Sessions

IN ASSEMBLY

March 5, 2025

Introduced by M. of A. BURKE, EICHENSTEIN, CLARK, KASSAY, WOERNER, FALL, BUTTENSCHON, P. CARROLL, McMAHON, SIMON, ZINERMAN, PHEFFER AMATO, WEPRIN, BERGER, GRIFFIN, YEGER, JONES, KAY, SAYEGH, WIEDER, BORES, STIRPE, CONRAD, LUPARDO, ROZIC, HEVESI, JACOBSON, SHIMSKY, SCHIAVONI, STECK, LAVINE, WILLIAMS, McDONALD, SIMONE, BRAUNSTEIN, DILAN, MEEKS -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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:

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

3 § 214-j. Critical incident policy. 1. The superintendent shall develop,
4 maintain and disseminate to all members of the division of state
5 police a critical incident leave policy requiring critical incident paid
6 leave for any members of the division of state police directly involved
7 in a critical incident.

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

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

14 (b) the term "critical incident paid leave" shall mean paid leave of
15 at least twenty calendar days for any member of the division of state
16 police whose official actions were the direct and proximate cause of the
17 serious physical injury or death of another person, and paid leave of

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

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1 fifteen calendar days for any member of the division of state police
2 who, although directly involved in a critical incident, was not the
3 direct and proximate cause of the serious physical injury or death of
4 another person.

5 3. Critical incident paid leave shall begin as soon as possible after
6 the critical incident, provided however, that the superintendent may
7 delay such leave for members who were directly involved in a critical
8 incident but were not the direct and proximate cause of the serious
9 injury or death. Critical incident leave may only be delayed to ensure
10 minimum necessary staffing levels or protect community safety. Delays
11 may only be as long as necessary to address such concerns.

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

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

22 § 2. This act shall take effect on the one hundred twentieth day after
23 it shall have become a law. Effective immediately, the addition, amend-
24 ment and/or repeal of any rule or regulation necessary for the implemen-
25 tation of this act on its effective date are authorized to be made and
26 completed on or before such effective date.