STATE OF NEW YORK

1079

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

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

AN ACT to amend the executive law, in relation to requiring intervention in incidents involving incarcerated individuals

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 837-y to read as follows:

§ 837-y. Duty to intervene; violence involving incarcerated individuals. 1. For the purposes of this section:

(a) "police officer" means a person designated as such in subdivision thirty-four of section 1.20 of the criminal procedure law.

(b) "peace officer" means a person listed in section 2.10 of the criminal procedure law.

2. Every police officer, peace officer and employee of a correctional facility, as defined in section two of the correction law, shall be required to intervene when they witness any incident of violence involving an incarcerated individual and another police officer, peace officer or employee of a correctional facility, to stop such incident in a manner conducive to keeping the peace and preventing violence, injuries and/or death.

3. Any police officer, peace officer or employee of a correctional facility who fails to intervene in violation of this section shall be guilty of a class E felony.

§ 2. This act shall take effect immediately.

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

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