

STATE OF NEW YORK

5138

2025-2026 Regular Sessions

IN SENATE

February 19, 2025

Introduced by Sens. GIANARIS, JACKSON, MAY, RAMOS, SEPULVEDA, WEBB --
read twice and ordered printed, and when printed to be committed to
the Committee on Codes

AN ACT to amend the criminal procedure law and the penal law, in
relation to abolishing citizen's arrests; and to repeal certain
provisions of the criminal procedure law and the family court act
relating thereto

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

1 Section 1. Section 140.45 of the criminal procedure law, as amended by
2 chapter 550 of the laws of 1987, is amended to read as follows:
3 § 140.45 Arrest without a warrant; dismissal of insufficient local crim-
4 inal court accusatory instrument.
5 If a local criminal court accusatory instrument filed with a local
6 criminal court pursuant to section 140.20~~[r]~~ or 140.25 ~~[or 140.40]~~ is
7 not sufficient on its face, as prescribed in section 100.40, and if the
8 court is satisfied that on the basis of the available facts or evidence
9 it would be impossible to draw and file an accusatory instrument which
10 is sufficient on its face, it must dismiss such accusatory instrument
11 and discharge the defendant.
12 § 2. Sections 140.30, 140.35 and 140.40 of the criminal procedure law
13 are REPEALED.
14 § 3. Subdivision 4 of section 35.30 of the penal law, as added by
15 chapter 73 of the laws of 1968, the opening paragraph and paragraph (a)
16 as amended by chapter 511 of the laws of 2004 and paragraph (b) as
17 amended by chapter 264 of the laws of 2003, is amended to read as
18 follows:
19 4. A private person acting on ~~[his or her]~~ their own account may use
20 physical force, other than deadly physical force, upon another person
21 when and to the extent that ~~[he or she]~~ such principal person reasonably
22 believes such to be necessary to ~~[effect an arrest or to]~~

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

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1 escape [~~from custody~~] of a person whom [~~he or she~~] such principal person
2 reasonably believes to have committed [~~an offense~~] a felony and who in
3 fact has committed [~~such offense~~] a felony and is in immediate flight
4 therefrom; and may use deadly physical force for such purpose when [~~he~~
5 ~~or she~~] such principal person reasonably believes such to be necessary
6 to[+
7 ~~(a) Defend himself, herself~~] defend themselves or a third person from
8 what [~~he or she~~] such principal person reasonably believes to be the use
9 or imminent use of deadly physical force[; ~~or~~
10 ~~(b) Effect the arrest of a person who has committed murder,~~
11 ~~manslaughter in the first degree, robbery, forcible rape or forcible~~
12 ~~criminal sexual act and who is in immediate flight therefrom~~].
13 § 4. Section 305.1 of the family court act is REPEALED.
14 § 5. This act shall take effect immediately.