

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:

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 devel-
4 op, 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
18 fifteen calendar days for any member of the division of state police
19 who, although directly involved in a critical incident, was not the
20 direct and proximate cause of the serious physical injury or death of
21 another person.

22 3. Critical incident paid leave shall begin as soon as possible after
23 the critical incident, provided however, that the superintendent may
24 delay such leave for members who were directly involved in a critical
25 incident but were not the direct and proximate cause of the serious
26 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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1 minimum necessary staffing levels or protect community safety. Delays
2 may only be as long as necessary to address such concerns.

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

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

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