

New York Proposed Bill Requiring Police Liability Insurance

By: Janet Kaminski Leduc, Chief Attorney
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Issue

Describe New York's recently proposed bill (SB 8676) requiring police officers to maintain liability insurance.

New York SB 8676

In July 2020, New York State Senator Alessandra Biaggi introduced [SB 8676](#), which would generally (1) require police officers to obtain liability insurance, (2) require the officers' employers to cover the base rate for the insurance, and (3) exclude state police officers from statutory indemnification protections. The bill is currently before the Senate Rules Committee.

Under the bill, each police officer employed by a city, county, town, village, authority, or agency would have to obtain liability insurance, provide proof of insurance (presumably to the employer), and continuously maintain coverage throughout the course of his or her employment as an officer. The insurance would have to cover claims against the officer for acts and omissions during any time the officer is performing duties within the scope of his or her employment. The bill requires the employer to cover the base rate for the insurance policy, but it does not define this term. (Presumably the base rate is the portion of the premium reflecting a police officer's general risk before the insurer considers additional risk factors specific to the individual.)

Existing New York law authorizes these employers to purchase liability insurance to protect officers and employees against liability for claims arising from their acts while performing their powers and duties in good faith ([N.Y. Gen. Mun. L. § 52](#)).

SB 8676 also would exclude police and peace officers from a law that requires the state to defend and indemnify its officers and employees for acts or omissions that are alleged to have occurred when they act within the scope of their public employment or duties.

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