S T A T E O F N E W Y O R K

277--B

Cal. No. 207

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MAZIARZ, ALESI, BONACIC, DeFRANCISCO, GOLDEN, GRIFFO, RANZENHOFER, SALAND, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the county law, in relation to mutual aid agreements between counties for the provision of services by coroners and medical examiners and establishes certain training requirements

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The county law is amended by adding two new sections 672 and 672-a to read as follows:

S 672. MUTUAL AID AGREEMENTS FOR CORONERS' SERVICES. 1. TWO OR MORE COUNTIES ARE AUTHORIZED TO ENTER INTO WRITTEN MUTUAL AID AGREEMENTS FOR THE PROVISION OF SERVICES PROVIDED BY THE COUNTY CORONER'S OFFICE OR OFFICE OF THE MEDICAL EXAMINER IN SUCH COUNTIES. EACH COUNTY SHALL BE LIABLE FOR ACTS OR OMISSIONS OF ITS EMPLOYEES OR AGENTS WHEN ACTING PURSUANT TO SUCH AN AGREEMENT IN THE SAME MANNER AND TO THE SAME EXTENT AS IF SUCH ACTS OR OMISSIONS OCCURRED WITHIN THE COUNTY; AND SUCH EMPLOYEES OR AGENTS SHALL HAVE IMMUNITIES AND PRIVILEGES FOR THEIR ACTS OR OMISSIONS WHEN ACTING PURSUANT TO SUCH AN AGREEMENT IN THE SAME MANNER AND TO THE SAME EXTENT AS IF SUCH ACTS OR OMISSIONS OCCURRED WITHIN THE COUNTY; EXCEPT THAT SUCH A CONTRACT MAY APPORTION LIABILITY OTHERWISE BETWEEN OR AMONG THE COUNTIES.

2. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ALTER THE LIABILITY OF ANY COUNTY THAT ENTERS INTO A MUTUAL AID AGREEMENT PURSUANT TO THIS

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

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SECTION TO A THIRD PARTY CLAIMANT FOR ANY CAUSE OF ACTION THAT ARISES OUT OF SUCH AGREEMENT. THE PROPER VENUE FOR ANY SUCH CAUSE OF ACTION SHALL BE IN ANY OF THE COUNTIES INVOLVED IN SUCH CAUSE OF ACTION.

S 672-A. TRAINING REQUIREMENTS FOR CORONERS AND CORONER'S DEPUTIES. EACH CORONER AND CORONER'S DEPUTY, WHETHER ELECTED OR APPOINTED PURSUANT TO SECTION FOUR HUNDRED OF THIS CHAPTER, SHALL ATTEND AND SUCCESSFULLY COMPLETE STATE-APPROVED COURSES IN MEDICAL-LEGAL INVESTIGATION PRIOR TO THE TAKING OF SUCH OFFICE, OR IF SUCH COURSE CANNOT BE COMPLETED PRIOR TO TAKING OFFICE, THEN NO LATER THAN THIRTY DAYS AFTER TAKING OFFICE. THE COST OF SUCH COURSES SHALL BE THE RESPONSIBILITY OF THE CORONER OR CORONER'S DEPUTY, PROVIDED HOWEVER THAT THE COUNTY MAY, AT ITS DISCRETION, REIMBURSE THE CORONER OR CORONER'S DEPUTY FOR ALL OR A PORTION OF THE COST OF SUCH COURSES. SUCH COURSES SHALL BE PRESCRIBED, CERTIFIED AND CREDITED IN RULES PROMULGATED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES IN CONSULTATION WITH THE COMMISSIONER OF HEALTH, THE SUPERINTENDENT OF STATE POLICE, THE COMMISSIONER OF EDUCATION, AND OTHER INTERESTED PROFESSIONAL GROUPS INCLUDING, BUT NOT LIMITED TO, THE NEW YORK STATE ASSOCIATION OF COUNTY CORONERS AND MEDICAL EXAMINERS. THE FREQUENCY AND DURATION OF SUCH COURSES SHALL BE ESTABLISHED BY SUCH RULES.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that the commissioner of criminal justice services is authorized and directed to promulgate any rules and regulations necessary to implement the provisions of this act on its effective date on or before such date.