

2795

2011-2012 Regular Sessions

I N S E N A T E

February 1, 2011

Introduced by Sen. CARLUCCI -- 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 mental hygiene law, in relation to the powers of chief safety officers

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

1 Section 1. Subdivision 34 of section 1.20 of the criminal procedure
2 law is amended by adding a new paragraph (w) to read as follows:
3 (W) A CHIEF SAFETY OFFICER DESIGNATED BY THE COMMISSIONER OF MENTAL
4 HEALTH AND THE DIRECTORS OF IN-PATIENT FACILITIES IN THE OFFICE OF
5 MENTAL HEALTH PURSUANT TO SUBDIVISION (C) OF SECTION 7.25 OF THE MENTAL
6 HYGIENE LAW AND A CHIEF SAFETY OFFICER DESIGNATED BY THE COMMISSIONER OF
7 DEVELOPMENTAL DISABILITIES AND THE DIRECTORS OF FACILITIES UNDER HIS OR
8 HER JURISDICTION IN THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILI-
9 TIES PURSUANT TO SUBDIVISION (C) OF SECTION 13.25 OF THE MENTAL HYGIENE
10 LAW.
11 S 2. Paragraph (a) of subdivision 34-a of section 1.20 of the criminal
12 procedure law, as amended by chapter 428 of the laws of 1999, is amended
13 to read as follows:
14 (a) Except as provided in [paragraph] PARAGRAPHS (d) AND (E) of this
15 subdivision, New York state constitutes the "geographical area of
16 employment" of any police officer employed as such by an agency of the
17 state or by an authority which functions throughout the state, or a
18 police officer designated by the superintendent of state police pursuant
19 to section two hundred twenty-three of the executive law;
20 S 3. Paragraph (a) of subdivision 34-a of section 1.20 of the criminal
21 procedure law, as amended by chapter 424 of the laws of 1998, is amended
22 to read as follows:
23 (a) Except as provided in [paragraph] PARAGRAPHS (d) AND (E) OF THIS
24 SUBDIVISION, New York state constitutes the "geographical area of

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

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1 employment" of any police officer employed as such by an agency of the
2 state or by an authority which functions throughout the state;

3 S 4. Subdivision 34-a of section 1.20 of the criminal procedure law is
4 amended by adding a new paragraph (e) to read as follows:

5 (E) THE GEOGRAPHICAL AREA OF EMPLOYMENT OF A CHIEF SAFETY OFFICER
6 DESIGNATED BY THE COMMISSIONER OF MENTAL HEALTH AND THE DIRECTORS OF
7 IN-PATIENT FACILITIES IN THE OFFICE OF MENTAL HEALTH PURSUANT TO SUBDI-
8 VISION (C) OF SECTION 7.25 OF THE MENTAL HYGIENE LAW IS THE FACILITIES
9 UNDER THE JURISDICTION OF THE COMMISSIONER OF MENTAL HEALTH AND THE
10 GEOGRAPHICAL AREA OF EMPLOYMENT OF A CHIEF SAFETY OFFICER DESIGNATED BY
11 THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES AND THE DIRECTORS OF
12 FACILITIES UNDER HIS OR HER JURISDICTION IN THE OFFICE FOR PEOPLE WITH
13 DEVELOPMENTAL DISABILITIES PURSUANT TO SUBDIVISION (C) OF SECTION 13.25
14 OF THE MENTAL HYGIENE LAW IS THE FACILITIES UNDER THE JURISDICTION OF
15 THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES.

16 S 5. Subdivision 12 of section 2.10 of the criminal procedure law, as
17 added by chapter 843 of the laws of 1980, is amended to read as follows:

18 12. Special policemen, EXCEPT CHIEF SAFETY OFFICERS AS DEFINED IN
19 SUBDIVISION (C) OF SECTION 7.25 OF THE MENTAL HYGIENE LAW designated by
20 the commissioner and the directors of in-patient facilities in the
21 office of mental health pursuant to section 7.25 of the mental hygiene
22 law, and special policemen, EXCEPT CHIEF SAFETY OFFICERS AS DEFINED IN
23 SUBDIVISION (C) OF SECTION 13.25 OF THE MENTAL HYGIENE LAW, designated
24 by the commissioner and the directors of facilities under his OR HER
25 jurisdiction in the office [of mental retardation and] FOR PEOPLE WITH
26 developmental disabilities pursuant to section 13.25 of the mental
27 hygiene law; provided, however, that nothing in this subdivision shall
28 be deemed to authorize such officers to carry, possess, repair or
29 dispose of a firearm unless the appropriate license therefor has been
30 issued pursuant to section 400.00 of the penal law.

31 S 6. Section 7.25 of the mental hygiene law is amended by adding two
32 new subdivisions (c) and (d) to read as follows:

33 (C) THE COMMISSIONER AND THE DIRECTORS OF IN-PATIENT FACILITIES IN THE
34 OFFICE MAY DESIGNATE CHIEF SAFETY OFFICERS WHOSE DUTY IT SHALL BE TO
35 PRESERVE PEACE AND GOOD ORDER IN FACILITIES OF SUCH OFFICE AND TO FULLY
36 PROTECT THE GROUNDS, BUILDINGS, AND PATIENTS. SUCH CHIEF SAFETY OFFICERS
37 SHALL POSSESS ALL THE POWERS OF POLICE OFFICERS AS SET FORTH IN PARA-
38 GRAPH (W) OF SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL
39 PROCEDURE LAW WHILE PERFORMING DUTIES IN OR ARISING OUT OF THE COURSE OF
40 THEIR EMPLOYMENT. SUBJECT TO THE APPROVAL OF THE COMMISSIONER, THE
41 DIRECTORS OF IN-PATIENT FACILITIES IN THE OFFICE SHALL ENTER INTO A
42 WRITTEN AGREEMENT WITH ADJOINING LAW ENFORCEMENT AGENCIES ESTABLISHING
43 PROTOCOLS FOR THE EXERCISE OF AUTHORITY BY SUCH CHIEF SAFETY OFFICERS,
44 INCLUDING MUTUAL AID AND ASSISTANCE. SUCH WRITTEN PROTOCOLS SHALL NOT BE
45 DEEMED TO SUPERSEDE THE AUTHORITY OF OTHER SUCH POLICE OFFICERS.

46 (D) THE COMMISSIONER SHALL PROVIDE THAT CHIEF SAFETY OFFICERS SATIS-
47 FACTORILY COMPLETE WITHIN ONE YEAR OF THE DATE OF HIS APPOINTMENT A
48 COURSE OF ENFORCEMENT TRAINING APPROVED BY THE MUNICIPAL TRAINING COUN-
49 CIL IN CONSULTATION WITH THE OFFICE. THE COMMISSIONER SHALL ALSO CAUSE
50 TO BE DEVELOPED AND IMPLEMENTED A TRAINING PROGRAM FOR SUCH CHIEF SAFETY
51 OFFICERS TO INCLUDE: (1) FIRE PREVENTION; (2) FIRST AID AND CARDIOPULMO-
52 NARY RESUSCITATION; (3) PROPER USE OF RESTRAINT; AND (4) ANY OTHER
53 TRAINING DEEMED NECESSARY TO AUGMENT SUCH PERSON'S SKILLS IN PROVIDING
54 NECESSARY SAFETY AND SECURITY SERVICES FOR THE FACILITY.

55 S 7. Section 13.25 of the mental hygiene law is amended by adding two
56 new subdivisions (c) and (d) to read as follows:

1 (C) THE COMMISSIONER AND THE DIRECTORS OF FACILITIES UNDER HIS OR HER
2 JURISDICTION MAY DESIGNATE CHIEF SAFETY OFFICERS WHOSE DUTY IT SHALL BE,
3 UNDER ORDERS OF THE APPROPRIATE OFFICER, TO PRESERVE PEACE AND GOOD
4 ORDER IN FACILITIES AND TO FULLY PROTECT THE GROUNDS, BUILDINGS, AND
5 PATIENTS. SUCH CHIEF SAFETY OFFICERS SHALL POSSESS ALL THE POWERS OF
6 POLICE OFFICERS AS SET FORTH IN PARAGRAPH (W) OF SUBDIVISION THIRTY-FOUR
7 OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW WHILE PERFORMING DUTIES IN
8 OR ARISING OUT OF THE COURSE OF THEIR EMPLOYMENT. SUBJECT TO THE
9 APPROVAL OF THE COMMISSIONER, THE DIRECTORS OF IN-PATIENT FACILITIES IN
10 THE OFFICE SHALL ENTER INTO A WRITTEN AGREEMENT WITH ADJOINING LAW
11 ENFORCEMENT AGENCIES ESTABLISHING PROTOCOLS FOR THE EXERCISE OF AUTHORI-
12 TY BY SUCH CHIEF SAFETY OFFICERS, INCLUDING MUTUAL AID AND ASSISTANCE.
13 SUCH WRITTEN PROTOCOLS SHALL NOT BE DEEMED TO SUPERSEDE THE AUTHORITY OF
14 OTHER SUCH POLICE OFFICERS.

15 (D) THE COMMISSIONER SHALL PROVIDE THAT CHIEF SAFETY OFFICERS SATIS-
16 FACTORILY COMPLETE WITHIN ONE YEAR OF THE DATE OF HIS OR HER APPOINTMENT
17 A COURSE OF ENFORCEMENT TRAINING APPROVED BY THE MUNICIPAL TRAINING
18 COUNCIL IN CONSULTATION WITH THE OFFICE OF MENTAL HEALTH. THE COMMIS-
19 SIONER SHALL ALSO CAUSE TO BE DEVELOPED AND IMPLEMENTED A TRAINING
20 PROGRAM FOR SUCH CHIEF SAFETY OFFICERS TO INCLUDE: (1) FIRE PREVENTION;
21 (2) FIRST AID AND CARDIOPULMONARY RESUSCITATION; (3) PROPER USE OF
22 RESTRAINT; AND (4) ANY OTHER TRAINING DEEMED NECESSARY TO AUGMENT SUCH
23 PERSON'S SKILLS IN PROVIDING NECESSARY SAFETY AND SECURITY SERVICES FOR
24 THE FACILITY.

25 S 8. This act shall take effect 6 months after it shall have become a
26 law, provided that the amendments to paragraph (a) of subdivision 34-a
27 of section 1.20 of the criminal procedure law made by section two of
28 this act shall be subject to the expiration and reversion of such para-
29 graph pursuant to section 3 of chapter 428 of the laws of 1999, as
30 amended, when upon such date the provisions of section three of this act
31 shall take effect.