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

6249--A

I N S E N A T E

January 17, 2012

Introduced by Sen. ALESI -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to granting peace officer status to certain security services officers employed by the University of Rochester

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

Section 1. Section 2.10 of the criminal procedure law is amended by adding a new subdivision 83 to read as follows:

83. (A) SECURITY SERVICES OFFICERS EMPLOYED BY THE UNIVERSITY OF ROCHESTER WHO ARE DESIGNATED AS PEACE OFFICERS BY THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ROCHESTER PURSUANT TO PARAGRAPHS (B), (C), (D) AND (E) OF THIS SUBDIVISION; PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO AUTHORIZE ANY SUCH OFFICER TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM UNLESS THE APPROPRIATE LICENSE THEREFOR HAS BEEN ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW.

(B) FOR THE PROTECTION OF THE GROUNDS, BUILDINGS AND PROPERTY OF THE UNIVERSITY OF ROCHESTER, THE PREVENTION OF CRIME AND THE ENFORCEMENT OF LAW AND ORDER, AND THE ENFORCEMENT OF SUCH RULES AND REGULATIONS AS THE UNIVERSITY OF ROCHESTER SHALL FROM TIME TO TIME ESTABLISH, THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ROCHESTER MAY APPOINT AND REMOVE SUCH NUMBER OF SECURITY SERVICES OFFICERS DESIGNATED AS PEACE OFFICERS AS IS DETERMINED BY THE BOARD OF TRUSTEES TO BE NECESSARY FOR THE MAINTENANCE OF PUBLIC ORDER CONSISTENT WITH THIS SUBDIVISION. SUCH PEACE OFFICERS SHALL COMPLY WITH SUCH REQUIREMENTS AS SHALL BE MUTUALLY AGREED UPON BETWEEN THE CHIEF LAW ENFORCEMENT OFFICERS OF THE APPLICABLE LOCAL LAW ENFORCEMENT JURISDICTIONS AND THE UNIVERSITY OF ROCHESTER. SUCH UNIVERSITY OF ROCHESTER PEACE OFFICERS SO APPOINTED SHALL BE EMPLOYEES OF THE UNIVERSITY OF ROCHESTER AND SUBJECT TO ITS SUPERVISION AND CONTROL. SUCH UNIVERSITY OF ROCHESTER PEACE OFFICERS SHALL HAVE THE POWERS OF PEACE OFFICERS WITHIN THE GEOGRAPHIC AREA OF EMPLOYMENT OF THE GROUNDS OR PREMISES OWNED, CONTROLLED OR ADMINISTERED BY THE UNIVERSITY OF ROCHES-

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

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TER WITHIN THE COUNTY OF MONROE; PROVIDED, HOWEVER, SUCH PEACE OFFICERS SHALL HAVE THE POWERS OF PEACE OFFICERS BEYOND SUCH GEOGRAPHIC AREA IN THOSE SITUATIONS WHEN REQUESTED BY THE CHIEF LAW ENFORCEMENT OFFICER OF THE LOCAL LAW ENFORCEMENT JURISDICTION OR HIS OR HER DESIGNEE, INCLUDING, BUT NOT LIMITED TO, BY MEANS OF WRITTEN PROTOCOLS AGREED TO BY THE CHIEF LAW ENFORCEMENT OFFICER OF THE LOCAL LAW ENFORCEMENT JURISDICTION AND THE UNIVERSITY OF ROCHESTER, TO PROVIDE ASSISTANCE ON ANY PUBLIC HIGHWAY WHICH CROSSES OR ADJOINS SUCH GROUNDS OR PREMISES. NOTWITHSTANDING THE PRECEDING SENTENCE, SUCH UNIVERSITY OF ROCHESTER PEACE OFFICERS SHALL ALSO HAVE THE POWERS OF PEACE OFFICERS BEYOND THEIR GEOGRAPHIC AREA OF EMPLOYMENT WHEN FOLLOWING A PERSON IN CONTINUOUS CLOSE PURSUIT AFTER WITNESSING THE COMMISSION OF AN OFFENSE OR CRIME, OR WHEN TRANSPORTING A PERSON IN THEIR CUSTODY FOLLOWING A LAWFUL ARREST.

(C) THE UNIVERSITY OF ROCHESTER SHALL PROVIDE LEGAL DEFENSE AND IDENTIFICATION TO THE APPLICABLE MUNICIPALITY AND ITS OFFICERS AND EMPLOYEES, AND HOLD THEM HARMLESS, AGAINST ALL CLAIMS ARISING OUT OF CONDUCT BY OR INJURY TO SUCH PEACE OFFICERS WHILE CARRYING OUT THEIR LAW ENFORCEMENT FUNCTIONS, EXCEPT IN THOSE SITUATIONS WHEN THEY ARE ACTING UNDER THE DIRECT SUPERVISION AND CONTROL OF THE CHIEF LAW ENFORCEMENT OFFICER OF THE APPLICABLE LOCAL LAW ENFORCEMENT JURISDICTION OR HIS OR HER DESIGNEE.

(D) EVERY UNIVERSITY OF ROCHESTER PEACE OFFICER SO APPOINTED SHALL, BEFORE ENTERING UPON THE DUTIES OF HIS OR HER OFFICE, TAKE AND SUBSCRIBE THE OATH OF OFFICE PRESCRIBED BY ARTICLE THIRTEEN OF THE STATE CONSTITUTION, WHICH OATH SHALL BE FILED IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF MONROE.

(E) TO BECOME ELIGIBLE FOR DESIGNATION AS A UNIVERSITY OF ROCHESTER PEACE OFFICER, A CANDIDATE SHALL, IN ADDITION TO THE TRAINING REQUIREMENTS AS SET FORTH IN SECTION 2.30 OF THIS ARTICLE, COMPLETE THE COURSE OF INSTRUCTION IN PUBLIC AND PRIVATE LAW ENFORCEMENT ESTABLISHED PURSUANT TO SUBDIVISION THREE OF SECTION SIXTY-FOUR HUNDRED THIRTY-FIVE OF THE EDUCATION LAW.

S 2. This act shall take effect immediately.