

6249--B

Cal. No. 1090

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 -- 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

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:

1 Section 1. Section 2.10 of the criminal procedure law is amended by
2 adding a new subdivision 83 to read as follows:
3 83. (A) SECURITY SERVICES OFFICERS EMPLOYED BY THE UNIVERSITY OF
4 ROCHESTER WHO ARE DESIGNATED AS PEACE OFFICERS BY THE BOARD OF TRUSTEES
5 OF THE UNIVERSITY OF ROCHESTER PURSUANT TO PARAGRAPHS (B), (C), (D) AND
6 (E) OF THIS SUBDIVISION; PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDI-
7 VISION SHALL BE DEEMED TO AUTHORIZE ANY SUCH OFFICER TO CARRY, POSSESS,
8 REPAIR OR DISPOSE OF A FIREARM UNLESS THE APPROPRIATE LICENSE THEREFOR
9 HAS BEEN ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW.
10 (B) FOR THE PROTECTION OF THE GROUNDS, BUILDINGS AND PROPERTY OF THE
11 UNIVERSITY OF ROCHESTER, THE PREVENTION OF CRIME AND THE ENFORCEMENT OF
12 LAW AND ORDER, THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ROCHESTER MAY
13 APPOINT AND REMOVE SUCH NUMBER OF SECURITY SERVICES OFFICERS DESIGNATED
14 AS PEACE OFFICERS AS IS DETERMINED BY THE BOARD OF TRUSTEES TO BE NECES-
15 SARY FOR THE MAINTENANCE OF PUBLIC ORDER CONSISTENT WITH THIS SUBDIVI-
16 SION. SUCH PEACE OFFICERS SHALL COMPLY WITH SUCH REQUIREMENTS AS SHALL
17 BE MUTUALLY AGREED UPON BETWEEN THE CHIEF LAW ENFORCEMENT OFFICERS OF
18 THE APPLICABLE LOCAL LAW ENFORCEMENT JURISDICTIONS AND THE UNIVERSITY OF
19 ROCHESTER. SUCH UNIVERSITY OF ROCHESTER PEACE OFFICERS SO APPOINTED
20 SHALL BE EMPLOYEES OF THE UNIVERSITY OF ROCHESTER AND SUBJECT TO ITS
21 SUPERVISION AND CONTROL. SUCH UNIVERSITY OF ROCHESTER PEACE OFFICERS
22 SHALL HAVE THE POWERS OF PEACE OFFICERS WITHIN THE GEOGRAPHIC AREA OF

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

LBD14015-07-2

1 EMPLOYMENT OF THE GROUNDS OR PREMISES OWNED, CONTROLLED OR ADMINISTERED
2 BY THE UNIVERSITY OF ROCHESTER WITHIN THE COUNTY OF MONROE EXCEPT AS
3 PROVIDED IN PARAGRAPH (C) OF THIS SUBDIVISION; PROVIDED, HOWEVER, SUCH
4 PEACE OFFICERS SHALL HAVE THE POWERS OF PEACE OFFICERS BEYOND SUCH
5 GEOGRAPHIC AREA UPON THE REQUEST OF THE CHIEF LAW ENFORCEMENT OFFICER OF
6 THE LOCAL LAW ENFORCEMENT JURISDICTION OR HIS OR HER DESIGNEE, FOR THE
7 PURPOSE OF TRANSPORTING AN INDIVIDUAL WHO HAS BEEN ARRESTED IN ACCORD-
8 ANCE WITH SECTION 140.27 OF THIS CHAPTER AND WHEN NO LOCAL LAW ENFORCE-
9 MENT OFFICER IS AVAILABLE FOR TRANSPORTING SUCH INDIVIDUAL IN A TIMELY
10 MANNER.

11 (C) UNIVERSITY OF ROCHESTER PEACE OFFICERS WHO ARE ASSIGNED TO WORK AT
12 STRONG MEMORIAL HOSPITAL SHALL ONLY HAVE THE POWERS IN SECTION 9.41 OF
13 THE MENTAL HYGIENE LAW AND THE POWERS LISTED IN PARAGRAPHS (A), (C) AND
14 (H) OF SUBDIVISION ONE OF SECTION 2.20 OF THIS ARTICLE. PROVIDED THAT
15 IN ORDER TO EXERCISE THE POWER SET FORTH IN PARAGRAPH (A) OF SUBDIVISION
16 ONE OF SECTION 2.20 OF THIS ARTICLE, THE OFFICER HAS ACTUAL KNOWLEDGE,
17 OR PROBABLE CAUSE TO BELIEVE, THAT SUCH INDIVIDUAL HAS COMMITTED AN
18 OFFENSE.

19 (D) THE UNIVERSITY OF ROCHESTER SHALL PROVIDE LEGAL DEFENSE AND INDEM-
20 NIFICATION TO APPLICABLE MUNICIPALITY AND ITS OFFICERS AND EMPLOYEES,
21 AND HOLD THEM HARMLESS, AGAINST ALL CLAIMS ARISING OUT OF CONDUCT BY OR
22 INJURY TO SUCH PEACE OFFICERS WHILE CARRYING OUT THEIR SPECIAL DUTIES,
23 EXCEPT IN THOSE SITUATIONS WHEN THEY ARE ACTING AS AGENTS OF THE CHIEF
24 LAW ENFORCEMENT OFFICER OF THE APPLICABLE LOCAL LAW ENFORCEMENT JURIS-
25 DICTION OR HIS OR HER DESIGNEE.

26 (E) TO BECOME ELIGIBLE FOR DESIGNATION AS A UNIVERSITY OF ROCHESTER
27 PEACE OFFICER, A CANDIDATE SHALL, IN ADDITION TO THE TRAINING REQUIRE-
28 MENTS AS SET FORTH IN SECTION 2.30 OF THIS ARTICLE, COMPLETE THE COURSE
29 OF INSTRUCTION IN PUBLIC AND PRIVATE LAW ENFORCEMENT ESTABLISHED PURSU-
30 ANT TO SUBDIVISION THREE OF SECTION SIXTY-FOUR HUNDRED THIRTY-FIVE OF
31 THE EDUCATION LAW.

32 S 2. This act shall take effect immediately.