

2377

2011-2012 Regular Sessions

I N   S E N A T E

January 19, 2011

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Introduced by Sens. SEWARD, LARKIN -- read twice and ordered printed,  
and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to authorizing  
peace officers designated by the superintendent of insurance to  
execute arrest warrants and search warrants

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

- 1     Section 1. Section 120.10 of the criminal procedure law, as amended by  
2 chapter 424 of the laws of 1998, is amended to read as follows:  
3     S 120.10 Warrant of arrest; definition, function, form and content.  
4     1. A warrant of arrest is a process issued by a local criminal court  
5 directing a police officer OR A PEACE OFFICER DESIGNATED BY THE SUPER-  
6 INTENDENT OF INSURANCE to arrest a defendant designated in an accusatory  
7 instrument filed with such court and to bring him before such court in  
8 connection with such instrument. The sole function of a warrant of  
9 arrest is to achieve a defendant's court appearance in a criminal action  
10 for the purpose of arraignment upon the accusatory instrument by which  
11 such action was commenced.  
12     2. A warrant of arrest must be subscribed by the issuing judge and  
13 must state or contain (a) the name of the issuing court, and (b) the  
14 date of issuance of the warrant, and (c) the name or title of an offense  
15 charged in the underlying accusatory instrument, and (d) the name of the  
16 defendant to be arrested or, if such be unknown, any name or description  
17 by which he can be identified with reasonable certainty, and (e) the  
18 police officer or officers OR PEACE OFFICERS DESIGNATED BY THE SUPER-  
19 INTENDENT OF INSURANCE to whom the warrant is addressed, and (f) a  
20 direction that such officer arrest the defendant and bring him before  
21 the issuing court.  
22     3. A warrant of arrest may be addressed to a classification of police  
23 officers, or to two or more classifications thereof, as well as to a  
24 designated individual police officer or officers, AS WELL AS TO PEACE

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

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1 OFFICERS DESIGNATED BY THE SUPERINTENDENT OF INSURANCE. Multiple copies  
2 of such a warrant may be issued.

3 S 2. Section 120.50 of the criminal procedure law, as amended by chap-  
4 ter 424 of the laws of 1998, is amended to read as follows:

5 S 120.50 Warrant of arrest; to what police officers AND PEACE OFFICERS  
6 DESIGNATED BY THE SUPERINTENDENT OF INSURANCE addressed.

7 A warrant of arrest may be addressed to any police officer or classi-  
8 fication of police officers whose geographical area of employment  
9 embraces either the place where the offense charged was allegedly  
10 committed or the locality of the court by which the warrant is issued OR  
11 TO PEACE OFFICERS DESIGNATED BY THE SUPERINTENDENT OF INSURANCE.

12 S 3. Section 690.25 of the criminal procedure law is amended by adding  
13 a new subdivision 3 to read as follows:

14 3. A SEARCH WARRANT MAY BE ADDRESSED TO A PEACE OFFICER DESIGNATED BY  
15 THE SUPERINTENDENT OF INSURANCE, AS DEFINED IN SUBDIVISION FORTY-SEVEN  
16 OF SECTION 2.10 OF THIS CHAPTER, TO BE EXECUTED PURSUANT TO ITS TERMS.

17 S 4. This act shall take effect on the ninetieth day after it shall  
18 have become a law.