

STATE OF NEW YORK

S. 4050

A. 4292

2017-2018 Regular Sessions

SENATE - ASSEMBLY

February 2, 2017

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. THIELE, RAIA, MONTESANO, McDONALD, RA, MURRAY, CRESPO, WALTER, GARBARINO, GIGLIO, CROUCH, BLAKE, COLTON, JEAN-PIERRE, SANTABARBARA, GRAF -- Multi-Sponsored by -- M. of A. BRABENEC, ENGLEBRIGHT, McKEVITT, McLAUGHLIN, PALMESANO, RAMOS -- read once and referred to the Committee on Codes

AN ACT to amend the general municipal law and the criminal procedure law, in relation to employment of retired police officers by school districts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general municipal law is amended by adding a new
2 section 209-vv to read as follows:

3 § 209-vv. Employment of retired police officers as special security
4 officers for school districts. 1. Notwithstanding any other law, rule or
5 regulation, the trustees or board of education of any school district
6 approved pursuant to subdivision two of this section are authorized to
7 employ retired former police officers as defined in paragraphs (a), (b),
8 (c), (d), (e), (j), (k), (s), (t) and (v) of subdivision thirty-four of
9 section 1.20 of the criminal procedure law for the purpose of providing
10 special security officers in the schools of such school district, in
11 order to protect the property or persons on such premises. The trustees
12 or board of education of any school district so authorized shall timely
13 submit the annual report set out in subdivision three of section twenty-
14 eight hundred two of the education law during the length of the
15 authorization.

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

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1 2. (a) To be authorized pursuant to subdivision one of this section,
2 the trustees or board of education of a school district must submit an
3 application to the state department of education which sets forth:

4 (i)the current security arrangements in such district, including the
5 staff providing security, scheduled hours, and duties;

6 (ii)the school violence measures undertaken by the school district,
7 including all school codes and school safety plans required by sections
8 twenty-eight hundred one and twenty-eight hundred one-a of the education
9 law; and

10 (iii)the security needs which would be addressed by the presence of
11 special security officers in the school or schools in the district.

12 (b) The department of education shall review the application and have
13 sole authority to approve or deny the application. No application shall
14 be approved where the school district has not timely submitted the annu-
15 al report set out in subdivision three of section twenty-eight hundred
16 two of the education law.

17 (c) Such authorization shall be valid for no longer than five years.
18 If, at any time, the trustees or board of education of a school district
19 so authorized fail to timely submit the annual report set out in subdi-
20 vision three of section twenty-eight hundred two of the education law,
21 such authorization shall be suspended pending submission.

22 (d) A special security officer may carry a firearm during the hours of
23 his or her employment subject to prior approval of the school district
24 and appropriate licensing pursuant to section 400.00 of the penal law.

25 3. The trustees or board of education of a school district shall have
26 the power to fix the compensation of persons so employed, either at
27 annual or per diem rates in the manner provided for in this subdivision.
28 Employments provided for in this section shall not be subject to the
29 provisions of section two hundred twelve of the retirement and social
30 security law. The compensation for persons employed by a school
31 district under this section shall not exceed the difference between the
32 amount of his or her pension (excluding the amount of any supplementa-
33 tion thereto) and the amount of his or her final salary as defined by
34 section two hundred ten of the retirement and social security law.

35 § 2. Subdivision 1 of section 209-v of the general municipal law, as
36 amended by chapter 843 of the laws of 1980, is amended to read as
37 follows:

38 1. Notwithstanding any general, local or special law or charter
39 provision, the governing board of any political subdivision may author-
40 ize any police or law enforcement agency of such political subdivision
41 to employ retired former members of police or sheriff's departments, or
42 the division of state police, or retired former correction, parole or
43 probation officers for the purpose of providing special [patrolmen]
44 security officers in publicly owned property within such political
45 subdivision[, ~~including property of a school district,~~] in order to
46 protect the property or persons on such premises.

47 § 3. Section 2.10 of the criminal procedure law is amended by adding a
48 new subdivision 84 to read as follows:

49 84. Special security officers employed by a school district pursuant
50 to section two hundred nine-vv of the general municipal law, when acting
51 pursuant to their duties as such, and such authority being limited to
52 the school grounds, as defined in paragraph (a) of subdivision fourteen
53 of section 220.00 of the penal law, to which they are assigned and
54 limited to the hours of their employment during which classes are in
55 session and during which a school sponsored extracurricular activity is
56 occurring on such school grounds; provided, however, that nothing in

1 this subdivision shall be deemed to authorize such officer to carry,
2 possess, repair or dispose of a firearm unless prior approval has been
3 given by the school district and the appropriate license has been issued
4 pursuant to section 400.00 of the penal law.

5 § 4. This act shall take effect on the first of January next succeed-
6 ing the date on which it shall have become a law.