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I N A S S E M B L Y

March 10, 2010

Introduced by M. of A. ABBATE -- read once and referred 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 MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES AND THE DIRECTORS OF
8 FACILITIES UNDER HIS OR HER JURISDICTION IN THE OFFICE OF MENTAL RETAR-
9 DATION AND DEVELOPMENTAL DISABILITIES PURSUANT TO SUBDIVISION (C) OF
10 SECTION 13.25 OF THE MENTAL HYGIENE 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
25 employment" of any police officer employed as such by an agency of the
26 state or by an authority which functions throughout the state;

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

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

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

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

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

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

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

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

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

54 (C) THE COMMISSIONER AND THE DIRECTORS OF FACILITIES UNDER HIS OR HER
55 JURISDICTION MAY DESIGNATE CHIEF SAFETY OFFICERS WHOSE DUTY IT SHALL BE,
56 UNDER ORDERS OF THE APPROPRIATE OFFICER, TO PRESERVE PEACE AND GOOD

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

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

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