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

4940--B

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. LENTOL, SCHROEDER, COLTON, HOYT, KOLB, STIRPE -- Multi-Sponsored by -- M. of A. CONTE, RUSSELL, SWEENEY, TOWNSEND -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law and the education law, in relation to expanding the geographical area of employment of university police officers; and to repeal paragraph (d) of subdivision 34-a of section 1.20 of the criminal procedure law relating thereto

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

Section 1. Paragraph (a) of subdivision 34-a of section 1.20 of the criminal procedure law, as amended by chapter 428 of the laws of 1999, is amended to read as follows:

(a) [Except as provided in paragraph (d) of this subdivision,] New York state constitutes the "geographical area of employment" of any police officer employed as such by an agency of the state or by an authority which functions throughout the state, or a police officer designated by the superintendent of state police pursuant to section two hundred twenty-three of the executive law;

S 2. Paragraph (a) of subdivision 34-a of section 1.20 of the criminal procedure law, as amended by chapter 424 of the laws of 1998, is amended to read as follows:

(a) [Except as provided in paragraph (d),] New York state constitutes the "geographical area of employment" of any police officer employed as such by an agency of the state or by an authority which functions throughout the state;

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

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S 3. Paragraph (d) of subdivision 34-a of section 1.20 of the criminal procedure law is REPEALED.

S 4. Paragraph l of subdivision 2 of section 355 of the education law, as amended by chapter 424 of the laws of 1998, is amended to read as follows:

l. To appoint university police officers who shall have the powers of police officers and to remove such police officers at pleasure; provided, however, that any person appointed a police officer must have satisfactorily completed or complete within one year of the date of his appointment a course of law enforcement training approved by the municipal police training council in consultation with the university. [It shall be the duty of such police officers to preserve law and order on the campuses and other property of the university, including any portion of a public highway which crosses or abuts such property.]

Subject to the approval of the chancellor, the president of each state-operated campus of the state university shall enter into a written agreement with adjoining law enforcement agencies establishing protocols for the exercise of authority by such university police officer off-campus, including mutual aid and assistance. Such written protocols shall not be deemed to supersede the authority of other police officers. The provisions of this paragraph shall not apply to any of the state institutions and property referred to in section five thousand seven hundred nine of this chapter.

S 5. This act shall take effect immediately; provided that the amendments to paragraph (a) of subdivision 34-a of section 1.20 of the criminal procedure law made by section one of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 3 of chapter 428 of the laws of 1999, as amended, when upon such date the provisions of section two of this act shall take effect.