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

5060

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to policies regarding the authorized use of machine-guns and deadly force by security personnel of nuclear-powered electric generating facilities

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

Section 1. Section 5 of the public service law is amended by adding two new subdivisions 7 and 8 to read as follows:

7. THE COMMISSION, IN CONSULTATION WITH THE ATTORNEY GENERAL, IS AUTHORIZED AND DIRECTED TO PRESCRIBE POLICIES REGARDING THE AUTHORIZED USE OF MACHINE-GUNS BY SECURITY PERSONNEL OF A NUCLEAR-POWERED ELECTRIC GENERATING FACILITY; PROVIDED, HOWEVER, THAT THE UNITED STATES NUCLEAR REGULATORY COMMISSION, PRIOR TO SUCH PRESCRIPTION, HAS DETERMINED THAT THE USE OF SUCH WEAPONS BY SECURITY PERSONNEL OF A NUCLEAR-POWERED ELECTRIC GENERATING FACILITY IS WARRANTED OR HAS RECOMMENDED SUCH USE. SUCH POLICIES SHALL STRICTLY ADHERE TO THE NUCLEAR REGULATORY COMMISSION'S RECOMMENDATIONS.

8. THE COMMISSION, IN CONSULTATION WITH THE ATTORNEY GENERAL, IS AUTHORIZED AND DIRECTED TO PRESCRIBE POLICIES REGARDING THE USE OF DEADLY FORCE BY SECURITY PERSONNEL OF A NUCLEAR-POWERED ELECTRIC GENERATING FACILITY DURING TERRORIST ATTACKS; PROVIDED, HOWEVER, THAT THE UNITED STATES NUCLEAR REGULATORY COMMISSION, PRIOR TO SUCH PRESCRIPTION, HAS RECOMMENDED OR OTHERWISE ISSUED POLICIES REGARDING THE USE OF DEADLY FORCE BY SECURITY PERSONNEL OF A NUCLEAR-POWERED ELECTRIC GENERATING FACILITY DURING TERRORIST ATTACKS. SUCH POLICIES SHALL STRICTLY ADHERE TO THE NUCLEAR REGULATORY COMMISSION'S RECOMMENDATIONS.

S 2. This act shall take effect immediately.

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

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