

6664

2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. HOOPER -- read once and referred to the Committee
on Local Governments

AN ACT to amend the general municipal law, in relation to providing
coverage for injuries while in the line of duty by bay constables in
the town of Hempstead, Nassau county

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

1 Section 1. Subdivision 1 of section 207-c of the general municipal
2 law, as amended by section 3 of chapter 675 of the laws of 1997, is
3 amended to read as follows:
4 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of
5 the sheriff's department of any county (hereinafter referred to as a
6 "policeman") or any member of a police force of any county, city of less
7 than one million population, town or village, or of any district, agen-
8 cy, board, body or commission thereof, or a detective-investigator or
9 any other investigator who is a police officer pursuant to the
10 provisions of the criminal procedure law employed in the office of a
11 district attorney of any county, or any corrections officer of the coun-
12 ty of Erie department of corrections, or an advanced ambulance medical
13 technician employed by the county of Nassau, or any supervising fire
14 inspector, fire inspector, fire marshal or assistant fire marshal
15 employed full-time in the county of Nassau fire marshal's office, or at
16 the option of the county of Nassau, any probation officer of the county
17 of Nassau, OR ANY DIRECTOR OF BAY CONSTABLES, ASSISTANT DIRECTOR OF BAY
18 CONSTABLES, BAY CONSTABLE II, OR BAY CONSTABLE EMPLOYED BY THE DEPART-
19 MENT OF CONSERVATION AND WATERWAYS IN THE TOWN OF HEMPSTEAD, COUNTY OF
20 NASSAU, who is injured in the performance of his OR HER duties or who is
21 taken sick as a result of the performance of his OR HER duties so as to
22 necessitate medical or other lawful remedial treatment shall be paid by
23 the municipality by which he OR SHE is employed the full amount of his
24 OR HER regular salary or wages until his OR HER disability arising ther-

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

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1 efrom has ceased, and, in addition such municipality shall be liable for
2 all medical treatment and hospital care necessitated by reason of such
3 injury or illness. Provided, however, and notwithstanding the foregoing
4 provisions of this section, the municipal health authorities or any
5 physician appointed for the purpose by the municipality, after a deter-
6 mination has first been made that such injury or sickness was incurred
7 during, or resulted from, such performance of duty, may attend any such
8 injured or sick [policeman] POLICE OFFICER, from time to time, for the
9 purpose of providing medical, surgical or other treatment, or for making
10 inspections and the municipality shall not be liable for salary or wages
11 payable to such [policeman] POLICE OFFICER, or for the cost of medical
12 treatment or hospital care furnished after such date as such health
13 authorities or physician shall certify that such injured or sick
14 [policeman] POLICE OFFICER has recovered and is physically able to
15 perform his OR HER regular duties. Any injured or sick [policeman]
16 POLICE OFFICER who shall refuse to accept medical treatment or hospital
17 care or shall refuse to permit medical inspections as [herein] author-
18 ized IN THIS SECTION, including examinations pursuant to subdivision two
19 of this section, shall be deemed to have waived his OR HER rights under
20 this section in respect to expenses for medical treatment or hospital
21 care rendered and for salary or wages payable after such refusal.

22 Notwithstanding any provision of law to the contrary, a provider of
23 medical treatment or hospital care furnished pursuant to the provisions
24 of this section shall not collect or attempt to collect reimbursement
25 for such treatment or care from any such [policeman] POLICE OFFICER, a
26 member of a police force of any county, city, any such advanced ambu-
27 lance medical technician or any such detective-investigator or any other
28 such investigator who is a police officer pursuant to the provisions of
29 the criminal procedure law.

30 S 2. Subdivision 1 of section 207-c of the general municipal law, as
31 amended by section 4 of chapter 675 of the laws of 1997, is amended to
32 read as follows:

33 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of
34 the sheriff's department of any county or any member of a police force
35 of any county, city of less than one million population, town or
36 village, or of any district, agency, board, body or commission thereof,
37 or any LIRR police officer as defined in paragraph two of subdivision a
38 of section three hundred eighty-nine of the retirement and social secu-
39 rity law whose benefits are provided in and pursuant to such section
40 three hundred eighty-nine, or a detective-investigator or any other
41 investigator who is a police officer pursuant to the provisions of the
42 criminal procedure law employed in the office of a district attorney of
43 any county, or any corrections officer of the county of Erie department
44 of corrections, or an advanced ambulance medical technician employed by
45 the county of Nassau, or any supervising fire inspector, fire inspector,
46 fire marshal, or assistant fire marshal employed full-time in the county
47 of Nassau fire marshal's office, or at the option of the county of
48 Nassau, any probation officer of the county of Nassau, OR ANY DIRECTOR
49 OF BAY CONSTABLES, ASSISTANT DIRECTOR OF BAY CONSTABLES, BAY CONSTABLE
50 II, OR BAY CONSTABLE EMPLOYED BY THE DEPARTMENT OF CONSERVATION AND
51 WATERWAYS IN THE TOWN OF HEMPSTEAD, COUNTY OF NASSAU, who is injured in
52 the performance of his OR HER duties or who is taken sick as a result of
53 the performance of his OR HER duties so as to necessitate medical or
54 other lawful remedial treatment shall be paid by the municipality or The
55 Long Island Rail Road Company by which he OR SHE is employed the full
56 amount of his OR HER regular salary or wages from such employer until

1 his OR HER disability arising therefrom has ceased, and, in addition
2 such municipality or The Long Island Rail Road Company shall be liable
3 for all medical treatment and hospital care necessitated by reason of
4 such injury or illness. Provided, however, and notwithstanding the
5 foregoing provisions of this section, the municipal or The Long Island
6 Rail Road Company health authorities or any physician appointed for the
7 purpose by the municipality or The Long Island Rail Road Company, as
8 relevant, after a determination has first been made that such injury or
9 sickness was incurred during, or resulted from, such performance of
10 duty, may attend any such injured or sick [policeman] POLICE OFFICER,
11 from time to time, for the purpose of providing medical, surgical or
12 other treatment, or for making inspections, and the municipality or The
13 Long Island Rail Road Company, as the case may be, shall not be liable
14 for salary or wages payable to such [policeman] POLICE OFFICER, or for
15 the cost of medical treatment or hospital care furnished after such date
16 as such health authorities or physician shall certify that such injured
17 or sick [policeman] POLICE OFFICER has recovered and is physically able
18 to perform his OR HER regular duties. Any injured or sick [policeman]
19 POLICE OFFICER who shall refuse to accept medical treatment or hospital
20 care or shall refuse to permit medical inspections as [herein] author-
21 ized IN THIS SECTION, including examinations pursuant to subdivision two
22 of this section, shall be deemed to have waived his OR HER rights under
23 this section in respect to expenses for medical treatment or hospital
24 care rendered and for salary or wages payable after such refusal.

25 Notwithstanding any provision of law to the contrary, a provider of
26 medical treatment or hospital care furnished pursuant to the provisions
27 of this section shall not collect or attempt to collect reimbursement
28 for such treatment or care from any such [policeman] POLICE OFFICER or
29 any such advanced ambulance medical technician.

30 S 3. This act shall take effect immediately; provided, however, that
31 section two of this act shall take effect on the same date as the amend-
32 ments to subdivision 1 of section 207-c of the general municipal law,
33 made by chapter 628 of the laws of 1991, shall take effect.