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

9077

2009-2010 Regular Sessions

I N A S S E M B L Y

July 27, 2009

Introduced by M. of A. BENEDETTO -- read once and referred to the Committee on Codes

AN ACT in relation to authorizing the Co-op City public safety department in Bronx county to appoint special policemen with certain specified powers, and to amend the criminal procedure law, in relation to granting peace officer status to special policemen so appointed

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

Section 1. Legislative findings. The legislature finds that the population and land area under the supervision and jurisdiction of the limited profit housing company known as "Co-op City" in Bronx county are the largest of any single housing project or complex in the state and are akin to the population and land area associated in popular understanding with a city. The legislature further finds that, unfortunately, the larger the population and land area of a community, the more incidents of crime are likely to occur and the greater the need for stepped-up law enforcement activity, and this is no less true of Co-op City. The legislature further finds that the patrolmen of the housing company's Co-op City public safety department perform what are essentially municipal police functions at little or no cost to the taxpayers of this state because the salaries and law enforcement activities of the housing company's Co-op City public safety department, which activities supplement and often take the place of those of the police department of the city of New York, are paid for out of the monthly housing maintenance payments of the residents of Co-op City, rather than from municipal coffers. It is clear that without the Co-op City public safety department's patrolmen the city of New York and the taxpayers of the city and state would necessarily have to shoulder the sole burden of law enforcement for Co-op City.

Accordingly, the legislature finds and declares that the unique situation and special conditions present with respect to the area and commu-

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

LBD14556-01-9

nity known as "Co-op City" in Bronx county are matters of state concern and warrant granting the patrolmen of the Co-op City public safety department powers analogous to those granted by law to the security officers of the state university of New York contained in paragraph 1 of subdivision 2 of section 355 of the education law, as specified hereinbelow in this act. The legislature declares the necessity for the enactment of this act in furtherance of its police powers to protect the public safety of the residents of this state.

S 2. The public safety department of a limited profit housing company known as "Co-op City", a company owning, leasing or controlling real property in a large area of Bronx county, and its successors and assigns, may appoint and at pleasure remove, one or more special policemen. Every special policeman so appointed shall, within 15 days thereafter, before entering on the duties of his office, take and subscribe the oath of office prescribed in the thirteenth article of the constitution of the state of New York and file the same in the office of the county clerk of the county of Bronx. The compensation of such special policemen shall be paid by such public safety department by which they are appointed.

S 3. Subject to the provisions of the criminal procedure law, such special policemen shall be peace officers for the limited profit housing company known as "Co-op City" in Bronx county, or for its successors and assigns. In addition thereto such special policemen shall have the power and duty to preserve law and order on the grounds and other property of the company at which the special policeman is appointed to serve, including any public highway which crosses or adjoins such property. Persons so appointed shall, in the course of and in the actual performance of their official duties have the power to execute arrest warrants pursuant to article 120 of the criminal procedure law and search warrants pursuant to article 690 of the criminal procedure law. In addition, such peace officers shall, in the course of and in the actual performance of their official duties have the power to follow a person in continuous close pursuit outside the grounds or other property of the company when the special policeman has reasonable cause to believe such person has committed an offense on the grounds or other property of the company including any public highway which crosses or adjoins such property, and may arrest such person for such offense where the person is apprehended, and shall have the power to issue and serve an appearance ticket, as defined in section 150.10 of the criminal procedure law, for an offense other than a felony in lieu of an arrest, and a simplified traffic information and appearance ticket in the form prescribed by the commissioner of motor vehicles pursuant to section 207 of the vehicle and traffic law, upon a person when he has reasonable cause to believe that such person has committed a traffic offense in his presence on the sites owned, operated and maintained by the limited profit housing company known as "Co-op City", and where applicable, such simplified traffic informations shall be administered pursuant to the provisions of article 2-A of the vehicle and traffic law.

The appointment of such peace officers shall not be deemed to supersede in any way the authority of other peace officers or police officers.

Such peace officers shall have the power to prevent disturbances and breaches of the peace in and about the parks, playgrounds, buildings and grounds so owned, leased or controlled, and the approaches thereto, and shall protect and preserve the same from injury, and shall enforce the established rules and regulations of the company. They shall have the

power to arrest, or issue appearance tickets as authorized by article 150 of the criminal procedure law or any other law, administrative code or local law to, any person committing: (i) any crime or offense, including but not limited to any wilful trespass in said area or on such grounds or property or in or upon such buildings or on the streets, avenues, and roads in said area or on such grounds, or (ii) any violation of the provisions of, or traffic infraction defined by, the vehicle and traffic law, or (iii) any violation of the traffic or parking regulations of the city of New York, and shall either issue an appearance ticket as authorized by article 150 of the criminal procedure law or any other law, administrative code or local law to, or convey such person so arrested with a statement of the cause of such arrest before a local criminal court having jurisdiction of the offense.

Each such special policeman shall, when on duty, wear in plain view a metallic shield with the words "special policeman", his rank, if any, and the name of the public safety department of the limited profit housing company which appointed him inscribed thereon.

S 4. Any wilful trespass in said area or upon any grounds therein or the buildings and approaches thereto; and any wilful injury to any of the said buildings, grounds, area, or to any trees, shrubbery, fences, fixtures or other property thereon or pertaining thereto, and any wilful disturbance of the peace thereon shall constitute a misdemeanor.

S 5. The provisions of the vehicle and traffic law and the traffic regulations and parking regulations of the city of New York shall apply and extend to the use, operation and maintenance of motor vehicles on the streets, avenues, and roads of the said Co-op City area or on such grounds, and shall apply with the same force and effect to the streets, avenues, and roads of the said area as they apply to the streets, avenues and roads of the city of New York. A violation thereof shall be classifiable and punishable as provided in such law or regulations.

S 6. a. Appearance tickets issued by Co-op City special policemen shall be returnable before a court, administrative tribunal or adjudicatory body having jurisdiction over the crime, offense, traffic infraction or parking violation charged, in the same manner and with the same effect, and with the same discretion where there is concurrent jurisdiction over what is charged respecting to which of the three above-listed alternatives the appearance ticket shall be made returnable, as appearance tickets issued by city police or by enforcement officers of any city agency.

b. Where an appearance ticket has been served by a Co-op City special policeman appointed as provided in this act in lieu of arrest in cases authorized by article 150 of the criminal procedure law, the officer of the police department of the city of New York assigned to desk duty in the precinct in which the service of such appearance ticket is made, is hereby authorized and directed to administer to such Co-op City special policeman all necessary oaths in connection with the execution of the complaint to be presented in the local criminal court by such Co-op City special policeman in the prosecution of such offense.

S 7. Section 2.10 of the criminal procedure law is amended by adding a new subdivision 83 to read as follows:

83. PERSONS APPOINTED AS SPECIAL POLICEMEN FOR "CO-OP CITY" IN BRONX COUNTY BY THE PUBLIC SAFETY DEPARTMENT OF A LIMITED PROFIT HOUSING COMPANY OF THE SAME NAME PURSUANT TO THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH ADDED THIS SUBDIVISION, PROVIDED, HOWEVER, THAT ANY PERSON SO APPOINTED 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 COMPANY AND SHALL BE SUBJECT TO ANY FURTHER REQUIREMENTS AS ARE SPECIFIED IN SUCH CHAPTER OF THE LAWS OF TWO THOUSAND NINE, AS SUCH CHAPTER MAY, FROM TIME TO TIME, BE AMENDED.

S 8. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law.