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I N   S E N A T E

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Introduced by Sens. MORAHAN, DIAZ -- read twice and ordered printed, and  
when printed to be committed 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

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

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1 employment" of any police officer employed as such by an agency of the  
2 state or by an authority which functions throughout the state;

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

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

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

19 12. Special policemen, EXCEPT CHIEF SAFETY OFFICERS AS DEFINED IN  
20 SUBDIVISION (C) OF SECTION 7.25 OF THE MENTAL HYGIENE LAW designated by  
21 the commissioner and the directors of in-patient facilities in the  
22 office of mental health pursuant to section 7.25 of the mental hygiene  
23 law, and special policemen, EXCEPT CHIEF SAFETY OFFICERS AS DEFINED IN  
24 SUBDIVISION (C) OF SECTION 13.25 OF THE MENTAL HYGIENE LAW, designated  
25 by the commissioner and the directors of facilities under his OR HER  
26 jurisdiction in the office of mental retardation and developmental disa-  
27 bilities pursuant to section 13.25 of the mental hygiene law; provided,  
28 however, that nothing in this subdivision shall be deemed to authorize  
29 such officers to carry, possess, repair or dispose of a firearm unless  
30 the appropriate license therefor has been issued pursuant to section  
31 400.00 of the penal law.

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

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

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

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

3 (C) THE COMMISSIONER AND THE DIRECTORS OF FACILITIES UNDER HIS OR HER  
4 JURISDICTION MAY DESIGNATE CHIEF SAFETY OFFICERS WHOSE DUTY IT SHALL BE,  
5 UNDER ORDERS OF THE APPROPRIATE OFFICER, TO PRESERVE PEACE AND GOOD  
6 ORDER IN FACILITIES AND TO FULLY PROTECT THE GROUNDS, BUILDINGS, AND  
7 PATIENTS. SUCH CHIEF SAFETY OFFICERS SHALL POSSESS ALL THE POWERS OF  
8 POLICE OFFICERS AS SET FORTH IN PARAGRAPH (W) OF SUBDIVISION THIRTY-FOUR  
9 OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW WHILE PERFORMING DUTIES IN  
10 OR ARISING OUT OF THE COURSE OF THEIR EMPLOYMENT. SUBJECT TO THE  
11 APPROVAL OF THE COMMISSIONER, THE DIRECTORS OF IN-PATIENT FACILITIES IN  
12 THE OFFICE SHALL ENTER INTO A WRITTEN AGREEMENT WITH ADJOINING LAW  
13 ENFORCEMENT AGENCIES ESTABLISHING PROTOCOLS FOR THE EXERCISE OF AUTHORI-  
14 TY BY SUCH CHIEF SAFETY OFFICERS, INCLUDING MUTUAL AID AND ASSISTANCE.  
15 SUCH WRITTEN PROTOCOLS SHALL NOT BE DEEMED TO SUPERSEDE THE AUTHORITY OF  
16 OTHER SUCH POLICE OFFICERS.

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

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