

2673

2009-2010 Regular Sessions

I N   S E N A T E

February 26, 2009

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Introduced by Sens. MORAHAN, PADAVAN -- read twice and ordered printed,  
and when printed to be committed to the Committee on Mental Health and  
Developmental Disabilities

AN ACT to amend the mental hygiene law and the public health law, in  
relation to peace officer powers of safety officers

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

1     Section 1. Subdivision (a) of section 7.25 of the mental hygiene law,  
2     as amended by chapter 22 of the laws of 1984, is amended to read as  
3     follows:  
4     (a) The commissioner and the directors of in-patient facilities in the  
5     office of mental health [may] SHALL designate safety officers to act as  
6     special policemen whose duty it shall be, under orders of the appropri-  
7     ate officer, to preserve peace and good order in facilities of such  
8     office and to fully protect the grounds, buildings, and patients. Such  
9     safety officers acting as special policemen shall possess all the powers  
10    of peace officers, as set forth in section 2.20 of the criminal proce-  
11    dure law, while performing duties in or arising out of the course of  
12    their employment. Such peace officers when acting pursuant to their  
13    special duties may issue and serve a simplified traffic information and  
14    appearance ticket, in the form prescribed by the commissioner of motor  
15    vehicles pursuant to section two hundred seven of the vehicle and traf-  
16    fic law, upon a person when he has reasonable cause to believe that such  
17    person has committed a traffic infraction in his presence, and shall  
18    have the power to issue and serve an appearance ticket as defined in  
19    section 150.10 of the criminal procedure law for an offense other than a  
20    felony in lieu of an arrest.  
21    S 2. Subdivision (a) of section 13.25 of the mental hygiene law, as  
22    amended by chapter 969 of the laws of 1983, is amended to read as  
23    follows:

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

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1 (a) The commissioner and the directors of facilities under his juris-  
2 diction [may] SHALL designate safety officers to act as special police-  
3 men whose duty it shall be, under orders of the appropriate officer, to  
4 preserve peace and good order in such facilities and to fully protect  
5 the grounds, buildings, and patients. Such safety officers acting as  
6 special policemen shall possess all the powers of peace officers, as set  
7 forth in section 2.20 of the criminal procedure law, while performing  
8 duties in or arising out of the course of their employment. Such peace  
9 officers when acting pursuant to their special duties may issue and  
10 serve a simplified traffic information and appearance ticket, in the  
11 form prescribed by the commissioner of motor vehicles pursuant to  
12 section two hundred seven of the vehicle and traffic law, upon a person  
13 when he has reasonable cause to believe that such person has committed a  
14 traffic infraction in his presence, and shall have the power to issue  
15 and serve an appearance ticket as defined in section 150.10 of the crim-  
16 inal procedure law for an offense other than a felony in lieu of an  
17 arrest.

18 S 3. Section 455 of the public health law, as amended by chapter 843  
19 of the laws of 1980, is amended to read as follows:

20 S 455. Hospitals; special policemen; powers and duties. 1. The direc-  
21 tor of each hospital in the department [may] SHALL designate [attendants  
22 or other employees] SAFETY OFFICERS to act as special policemen whose  
23 duty it shall be under the orders of the director to protect the  
24 grounds, buildings and patients of the hospital and to eject therefrom  
25 disorderly persons. Such [attendants and employees, acting as special  
26 policemen,] SAFETY OFFICERS shall possess all the powers of peace offi-  
27 cers, as set forth in section 2.20 of the criminal procedure law, on the  
28 grounds and premises.

29 2. The designation of such [attendants and employees] SAFETY OFFICERS  
30 as special policemen in pursuance hereof, shall not be deemed to super-  
31 sede, on the grounds and premises of such hospital, the authority of  
32 peace or police officers of the jurisdiction within which such hospital  
33 is located.

34 S 4. This act shall take effect immediately.