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I N   A S S E M B L Y

March 10, 2010

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Introduced by M. of A. ABBATE -- read once and referred 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  
25    employment" of any police officer employed as such by an agency of the  
26    state or by an authority which functions throughout the state;  
27    S 4. Subdivision 34-a of section 1.20 of the criminal procedure law is  
28    amended by adding a new paragraph (e) to read as follows:

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

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

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

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

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

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

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

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

54 (C) THE COMMISSIONER AND THE DIRECTORS OF FACILITIES UNDER HIS OR HER  
55 JURISDICTION MAY DESIGNATE CHIEF SAFETY OFFICERS WHOSE DUTY IT SHALL BE,  
56 UNDER ORDERS OF THE APPROPRIATE OFFICER, TO PRESERVE PEACE AND GOOD

1 ORDER IN FACILITIES AND TO FULLY PROTECT THE GROUNDS, BUILDINGS, AND  
2 PATIENTS. SUCH CHIEF SAFETY OFFICERS SHALL POSSESS ALL THE POWERS OF  
3 POLICE OFFICERS AS SET FORTH IN PARAGRAPH (W) OF SUBDIVISION THIRTY-FOUR  
4 OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW WHILE PERFORMING DUTIES IN  
5 OR ARISING OUT OF THE COURSE OF THEIR EMPLOYMENT. SUBJECT TO THE  
6 APPROVAL OF THE COMMISSIONER, THE DIRECTORS OF IN-PATIENT FACILITIES IN  
7 THE OFFICE SHALL ENTER INTO A WRITTEN AGREEMENT WITH ADJOINING LAW  
8 ENFORCEMENT AGENCIES ESTABLISHING PROTOCOLS FOR THE EXERCISE OF AUTHORI-  
9 TY BY SUCH CHIEF SAFETY OFFICERS, INCLUDING MUTUAL AID AND ASSISTANCE.  
10 SUCH WRITTEN PROTOCOLS SHALL NOT BE DEEMED TO SUPERSEDE THE AUTHORITY OF  
11 OTHER SUCH POLICE OFFICERS.

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

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