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

5902

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. P. RIVERA, SCHROEDER -- Multi-Sponsored by -- M. of A. DESTITO, JOHN -- read once and referred to the Committee on Mental Health, Mental Retardation 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision (a) of section 7.25 of the mental hygiene law, as amended by chapter 22 of the laws of 1984, is amended to read as follows:

(a) The commissioner and the directors of in-patient facilities in the office of mental health [may] SHALL designate safety officers to act as special policemen whose duty it shall be, under orders of the appropriate officer, to preserve peace and good order in facilities of such office and to fully protect the grounds, buildings, and patients. Such safety officers acting as special policemen shall possess all the powers of peace officers, as set forth in section 2.20 of the criminal procedure law, while performing duties in or arising out of the course of their employment. Such peace officers when acting pursuant to their special duties may issue and serve a simplified traffic information and appearance ticket, in the form prescribed by the commissioner of motor vehicles pursuant to section two hundred seven of the vehicle and traffic law, upon a person when he has reasonable cause to believe that such person has committed a traffic infraction in his presence, 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.

S 2. Subdivision (a) of section 13.25 of the mental hygiene law, as amended by chapter 969 of the laws of 1983, is amended to read as follows:

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

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(a) The commissioner and the directors of facilities under his jurisdiction [may] SHALL designate safety officers to act as special policemen whose duty it shall be, under orders of the appropriate officer, to preserve peace and good order in such facilities and to fully protect the grounds, buildings, and patients. Such safety officers acting as special policemen shall possess all the powers of peace officers, as set forth in section 2.20 of the criminal procedure law, while performing duties in or arising out of the course of their employment. Such peace officers when acting pursuant to their special duties may issue and serve a simplified traffic information and appearance ticket, in the form prescribed by the commissioner of motor vehicles pursuant to section two hundred seven of the vehicle and traffic law, upon a person when he has reasonable cause to believe that such person has committed a traffic infraction in his presence, 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.

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

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

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

S 4. This act shall take effect immediately.