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

8061

2009-2010 Regular Sessions

I N A S S E M B L Y

May 4, 2009

Introduced by M. of A. LANCMAN, DESTITO, PERRY, FIELDS -- Multi-Sponsored by -- M. of A. DUPREY, GALEF, MAGEE, McENENY, RUSSELL -- (at request of the Division of State Police) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the duties of the state police

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

Section 1. Subdivision 1 of section 223 of the executive law, as amended by chapter 428 of the laws of 1999, is amended to read as follows:

1. It shall be the duty of the superintendent of the state police and of members of the state police to prevent and detect crime and apprehend criminals. They shall also be subject to the call of the governor and are empowered to [co-operate] COOPERATE with any other department of the state or with local authorities. They shall have power to arrest, without a warrant, any person committing or attempting to commit within their presence or view a breach of the peace or other violation of law, to serve and execute warrants of arrest or search issued by proper authority and to exercise all other powers of police officers of the state of New York[. Any such warrants issued by any magistrate of the state may be executed by them in any part of the state according to the tenor thereof without indorsement. But], BUT they shall not exercise their powers within the limits of any city to suppress rioting and disorder except by direction of the governor or upon the request of the mayor of the city with the approval of the governor. Any member of the rank of sergeant or above may take pre-arraignment bail from any defendant in the amounts and under the circumstances and conditions that police may take bail.

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

LBD07871-01-9

S 2. The opening paragraph of section 223 of the executive law, as amended by chapter 843 of the laws of 1980, is amended to read as follows:

It shall be the duty of the superintendent of the state police and of members of the state police to prevent and detect crime and apprehend criminals. They shall also be subject to the call of the governor and are empowered to [co-operate] COOPERATE with any other department of the state or with local authorities. They shall have power to arrest, without a warrant, any person committing or attempting to commit within their presence or view a breach of the peace or other violation of law, to serve and execute warrants of arrest or search issued by proper authority and to exercise all other powers of police officers of the state of New York[. Any such warrants issued by any magistrate of the state may be executed by them in any part of the state according to the tenor thereof without indorsement. But], BUT they shall not exercise their powers within the limits of any city to suppress rioting and disorder except by direction of the governor or upon the request of the mayor of the city with the approval of the governor. Any member of the rank of sergeant or above may take pre-arraignment bail from any defendant in the amounts and under the circumstances and conditions that police may take bail.

S 3. This act shall take effect immediately, provided that the amendments to section 233 of the executive law made by section one of this act shall be subject to the expiration and reversion of such section pursuant to section 3 of chapter 428 of the laws of 1999, as amended, when upon such date the provisions of section two of this act shall take effect.