

8196--A

Cal. No. 900

2009-2010 Regular Sessions

I N A S S E M B L Y

May 7, 2009

Introduced by M. of A. TOWNSEND, KOLB, THIELE, BACALLES, JORDAN, CALHOUN
-- Multi-Sponsored by -- M. of A. BURLING, CROUCH, FINCH, P. LOPEZ,
McDONOUGH, McKEVITT, MOLINARO, SALADINO -- read once and referred to
the Committee on Codes -- reported from committee, advanced to a third
reading, amended and ordered reprinted, retaining its place on the
order of third reading

AN ACT to amend the general municipal law and the criminal procedure
law, in relation to employment of retired police officers by school
districts

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

1 Section 1. The general municipal law is amended by adding a new
2 section 209-vv to read as follows:
3 S 209-VV. EMPLOYMENT OF RETIRED POLICE OFFICERS AS SPECIAL SECURITY
4 OFFICERS FOR SCHOOL DISTRICTS. 1. NOTWITHSTANDING ANY OTHER LAW, RULE OR
5 REGULATION, THE TRUSTEES OR BOARD OF EDUCATION OF ANY SCHOOL DISTRICT
6 APPROVED PURSUANT TO SUBDIVISION TWO OF THIS SECTION ARE AUTHORIZED TO
7 EMPLOY RETIRED FORMER MEMBERS OF POLICE OR SHERIFF'S DEPARTMENTS, OR THE
8 DIVISION OF STATE POLICE FOR THE PURPOSE OF PROVIDING SPECIAL SECURITY
9 OFFICERS IN THE SCHOOLS OF SUCH SCHOOL DISTRICT, IN ORDER TO PROTECT THE
10 PROPERTY OR PERSONS ON SUCH PREMISES. THE TRUSTEES OR BOARD OF EDUCA-
11 TION OF ANY SCHOOL DISTRICT SO AUTHORIZED SHALL TIMELY SUBMIT THE ANNUAL
12 REPORT SET OUT IN SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED TWO
13 OF THE EDUCATION LAW DURING THE LENGTH OF THE AUTHORIZATION.
14 2. (A) TO BE AUTHORIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION,
15 THE TRUSTEES OR BOARD OF EDUCATION OF A SCHOOL DISTRICT MUST SUBMIT AN
16 APPLICATION TO THE STATE DEPARTMENT OF EDUCATION WHICH SETS FORTH:
17 (I) THE CURRENT SECURITY ARRANGEMENTS IN SUCH DISTRICT, INCLUDING THE
18 STAFF PROVIDING SECURITY, SCHEDULED HOURS, AND DUTIES;
19 (II) THE SCHOOL VIOLENCE MEASURES UNDERTAKEN BY THE SCHOOL DISTRICT,
20 INCLUDING ALL SCHOOL CODES AND SCHOOL SAFETY PLANS REQUIRED BY SECTIONS

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

LBD07307-02-0

1 TWENTY-EIGHT HUNDRED ONE AND TWENTY-EIGHT HUNDRED ONE-A OF THE EDUCATION
2 LAW; AND

3 (III) THE SECURITY NEEDS WHICH WOULD BE ADDRESSED BY THE PRESENCE OF
4 SPECIAL SECURITY OFFICERS IN THE SCHOOL OR SCHOOLS IN THE DISTRICT.

5 (B) THE DEPARTMENT OF EDUCATION SHALL REVIEW THE APPLICATION AND HAVE
6 SOLE AUTHORITY TO APPROVE OR DENY THE APPLICATION. NO APPLICATION SHALL
7 BE APPROVED WHERE THE SCHOOL DISTRICT HAS NOT TIMELY SUBMITTED THE ANNU-
8 AL REPORT SET OUT IN SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED
9 TWO OF THE EDUCATION LAW.

10 (C) SUCH AUTHORIZATION SHALL BE VALID FOR NO LONGER THAN FOUR YEARS.
11 IF, AT ANY TIME, THE TRUSTEES OR BOARD OF EDUCATION OF A SCHOOL DISTRICT
12 SO AUTHORIZED FAIL TO TIMELY SUBMIT THE ANNUAL REPORT SET OUT IN SUBDI-
13 VISION THREE OF SECTION TWENTY-EIGHT HUNDRED TWO OF THE EDUCATION LAW,
14 SUCH AUTHORIZATION SHALL BE SUSPENDED PENDING SUBMISSION.

15 (D) NO SPECIAL SECURITY OFFICER MAY CARRY A FIREARM DURING THE HOURS
16 OF HIS OR HER EMPLOYMENT.

17 3. THE TRUSTEES OR BOARD OF EDUCATION OF A SCHOOL DISTRICT SHALL HAVE
18 THE POWER TO FIX THE COMPENSATION OF PERSONS SO EMPLOYED, EITHER AT
19 ANNUAL OR PER DIEM RATES IN THE MANNER PROVIDED FOR IN THIS SUBDIVISION.
20 EMPLOYMENTS PROVIDED FOR IN THIS SECTION SHALL NOT BE SUBJECT TO THE
21 PROVISIONS OF SECTION TWO HUNDRED TWELVE OF THE RETIREMENT AND SOCIAL
22 SECURITY LAW. THE COMPENSATION FOR PERSONS EMPLOYED BY A SCHOOL
23 DISTRICT UNDER THIS SECTION SHALL NOT EXCEED THE DIFFERENCE BETWEEN THE
24 AMOUNT OF HIS OR HER PENSION (EXCLUDING THE AMOUNT OF ANY SUPPLEMENTA-
25 TION THERETO) AND THE AMOUNT OF HIS OR HER FINAL SALARY AS DEFINED BY
26 SECTION TWO HUNDRED TEN OF THE RETIREMENT AND SOCIAL SECURITY LAW.

27 S 2. Subdivision 1 of section 209-v of the general municipal law, as
28 amended by chapter 843 of the laws of 1980, is amended to read as
29 follows:

30 1. Notwithstanding any general, local or special law or charter
31 provision, the governing board of any political subdivision may author-
32 ize any police or law enforcement agency of such political subdivision
33 to employ retired former members of police or sheriff's departments, or
34 the division of state police, or retired former correction, parole or
35 probation officers for the purpose of providing special [patrolmen]
36 SECURITY OFFICERS in publicly owned property within such political
37 subdivision[, including property of a school district,] in order to
38 protect the property or persons on such premises.

39 S 3. Section 2.10 of the criminal procedure law is amended by adding a
40 new subdivision 83 to read as follows:

41 83. SPECIAL SECURITY OFFICERS EMPLOYED BY A SCHOOL DISTRICT PURSUANT
42 TO SECTION TWO HUNDRED NINE-VV OF THE GENERAL MUNICIPAL LAW, WHEN ACTING
43 PURSUANT TO THEIR DUTIES AS SUCH, AND SUCH AUTHORITY BEING LIMITED TO
44 THE SCHOOL GROUNDS, AS DEFINED IN PARAGRAPH A OF SUBDIVISION FOURTEEN OF
45 SECTION 220.00 OF THE PENAL LAW, TO WHICH THEY ARE ASSIGNED AND LIMITED
46 TO THE HOURS OF THEIR EMPLOYMENT DURING WHICH CLASSES ARE IN SESSION AND
47 DURING WHICH A SCHOOL SPONSORED EXTRACURRICULAR ACTIVITY IS OCCURRING ON
48 SUCH SCHOOL GROUNDS; PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION
49 SHALL BE DEEMED TO AUTHORIZE SUCH OFFICER TO CARRY, POSSESS, REPAIR OR
50 DISPOSE OF A FIREARM UNLESS THE APPROPRIATE LICENSE THEREFOR HAS BEEN
51 ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW. NO SPECIAL SECURITY
52 OFFICER MAY CARRY A FIREARM DURING THE HOURS OF HIS OR HER EMPLOYMENT.

53 S 4. This act shall take effect immediately.