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I N S E N A T E

February 9, 2009

Introduced by Sens. MORAHAN, DIAZ -- read twice and ordered printed, and when printed to be committed 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:

Section 1. Subdivision 34 of section 1.20 of the criminal procedure law is amended by adding a new paragraph (w) to read as follows:

(W) A CHIEF SAFETY OFFICER DESIGNATED BY THE COMMISSIONER OF MENTAL HEALTH AND THE DIRECTORS OF IN-PATIENT FACILITIES IN THE OFFICE OF MENTAL HEALTH PURSUANT TO SUBDIVISION (C) OF SECTION 7.25 OF THE MENTAL HYGIENE LAW AND A CHIEF SAFETY OFFICER DESIGNATED BY THE COMMISSIONER OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES AND THE DIRECTORS OF FACILITIES UNDER HIS OR HER JURISDICTION IN THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES PURSUANT TO SUBDIVISION (C) OF SECTION 13.25 OF THE MENTAL HYGIENE LAW.

S 2. Paragraph (a) of subdivision 34-a of section 1.20 of the criminal procedure law, as amended by chapter 428 of the laws of 1999, is amended to read as follows:

(a) Except as provided in [paragraph] PARAGRAPHS (d) AND (E) of this subdivision, New York state constitutes the "geographical area of employment" of any police officer employed as such by an agency of the state or by an authority which functions throughout the state, or a police officer designated by the superintendent of state police pursuant to section two hundred twenty-three of the executive law;

S 3. Paragraph (a) of subdivision 34-a of section 1.20 of the criminal procedure law, as amended by chapter 424 of the laws of 1998, is amended to read as follows:

(a) Except as provided in [paragraph] PARAGRAPHS (d) AND (E) OF THIS SUBDIVISION, New York state constitutes the "geographical area of

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

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employment" of any police officer employed as such by an agency of the state or by an authority which functions throughout the state;

S 4. Subdivision 34-a of section 1.20 of the criminal procedure law is amended by adding a new paragraph (e) to read as follows:

(E) THE GEOGRAPHICAL AREA OF EMPLOYMENT OF A CHIEF SAFETY OFFICER DESIGNATED BY THE COMMISSIONER OF MENTAL HEALTH AND THE DIRECTORS OF IN-PATIENT FACILITIES IN THE OFFICE OF MENTAL HEALTH PURSUANT TO SUBDIVISION (C) OF SECTION 7.25 OF THE MENTAL HYGIENE LAW IS THE FACILITIES UNDER THE JURISDICTION OF THE COMMISSIONER OF MENTAL HEALTH AND THE GEOGRAPHICAL AREA OF EMPLOYMENT OF A CHIEF SAFETY OFFICER DESIGNATED BY THE COMMISSIONER OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES AND THE DIRECTORS OF FACILITIES UNDER HIS OR HER JURISDICTION IN THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES PURSUANT TO SUBDIVISION (C) OF SECTION 13.25 OF THE MENTAL HYGIENE LAW IS THE FACILITIES UNDER THE JURISDICTION OF THE COMMISSIONER OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES.

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

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

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

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

(D) THE COMMISSIONER SHALL PROVIDE THAT CHIEF SAFETY OFFICERS SATISFACTORILY COMPLETE WITHIN ONE YEAR OF THE DATE OF HIS APPOINTMENT A COURSE OF ENFORCEMENT TRAINING APPROVED BY THE MUNICIPAL TRAINING COUNCIL IN CONSULTATION WITH THE OFFICE. THE COMMISSIONER SHALL ALSO CAUSE TO BE DEVELOPED AND IMPLEMENTED A TRAINING PROGRAM FOR SUCH CHIEF SAFETY OFFICERS TO INCLUDE: (1) FIRE PREVENTION; (2) FIRST AID AND CARDIOPULMONARY RESUSCITATION; (3) PROPER USE OF RESTRAINT; AND (4) ANY OTHER TRAINING DEEMED NECESSARY TO AUGMENT SUCH PERSON'S SKILLS IN PROVIDING NECESSARY SAFETY AND SECURITY SERVICES FOR THE FACILITY.

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

(C) THE COMMISSIONER AND THE DIRECTORS OF FACILITIES UNDER HIS OR HER JURISDICTION MAY DESIGNATE CHIEF SAFETY OFFICERS WHOSE DUTY IT SHALL BE, UNDER ORDERS OF THE APPROPRIATE OFFICER, TO PRESERVE PEACE AND GOOD ORDER IN FACILITIES AND TO FULLY PROTECT THE GROUNDS, BUILDINGS, AND PATIENTS. SUCH CHIEF SAFETY OFFICERS SHALL POSSESS ALL THE POWERS OF POLICE OFFICERS AS SET FORTH IN PARAGRAPH (W) OF SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW WHILE PERFORMING DUTIES IN OR ARISING OUT OF THE COURSE OF THEIR EMPLOYMENT. SUBJECT TO THE APPROVAL OF THE COMMISSIONER, THE DIRECTORS OF IN-PATIENT FACILITIES IN THE OFFICE SHALL ENTER INTO A WRITTEN AGREEMENT WITH ADJOINING LAW ENFORCEMENT AGENCIES ESTABLISHING PROTOCOLS FOR THE EXERCISE OF AUTHORITY BY SUCH CHIEF SAFETY OFFICERS, INCLUDING MUTUAL AID AND ASSISTANCE. SUCH WRITTEN PROTOCOLS SHALL NOT BE DEEMED TO SUPERSEDE THE AUTHORITY OF OTHER SUCH POLICE OFFICERS.

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

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