

2673

2009-2010 Regular Sessions

I N S E N A T E

February 26, 2009

Introduced by Sens. MORAHAN, PADAVAN -- read twice and ordered printed,
and when printed to be committed to the Committee on Mental Health 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision (a) of section 7.25 of the mental hygiene law,
2 as amended by chapter 22 of the laws of 1984, is amended to read as
3 follows:
4 (a) The commissioner and the directors of in-patient facilities in the
5 office of mental health [may] SHALL designate safety officers to act as
6 special policemen whose duty it shall be, under orders of the appropri-
7 ate officer, to preserve peace and good order in facilities of such
8 office and to fully protect the grounds, buildings, and patients. Such
9 safety officers acting as special policemen shall possess all the powers
10 of peace officers, as set forth in section 2.20 of the criminal proce-
11 dure law, while performing duties in or arising out of the course of
12 their employment. Such peace officers when acting pursuant to their
13 special duties may issue and serve a simplified traffic information and
14 appearance ticket, in the form prescribed by the commissioner of motor
15 vehicles pursuant to section two hundred seven of the vehicle and traf-
16 fic law, upon a person when he has reasonable cause to believe that such
17 person has committed a traffic infraction in his presence, and shall
18 have the power to issue and serve an appearance ticket as defined in
19 section 150.10 of the criminal procedure law for an offense other than a
20 felony in lieu of an arrest.
21 S 2. Subdivision (a) of section 13.25 of the mental hygiene law, as
22 amended by chapter 969 of the laws of 1983, is amended to read as
23 follows:

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

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1 (a) The commissioner and the directors of facilities under his juris-
2 diction [may] SHALL designate safety officers to act as special police-
3 men whose duty it shall be, under orders of the appropriate officer, to
4 preserve peace and good order in such facilities and to fully protect
5 the grounds, buildings, and patients. Such safety officers acting as
6 special policemen shall possess all the powers of peace officers, as set
7 forth in section 2.20 of the criminal procedure law, while performing
8 duties in or arising out of the course of their employment. Such peace
9 officers when acting pursuant to their special duties may issue and
10 serve a simplified traffic information and appearance ticket, in the
11 form prescribed by the commissioner of motor vehicles pursuant to
12 section two hundred seven of the vehicle and traffic law, upon a person
13 when he has reasonable cause to believe that such person has committed a
14 traffic infraction in his presence, and shall have the power to issue
15 and serve an appearance ticket as defined in section 150.10 of the crim-
16 inal procedure law for an offense other than a felony in lieu of an
17 arrest.

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

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

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

34 S 4. This act shall take effect immediately.