

2801

2009-2010 Regular Sessions

I N S E N A T E

March 3, 2009

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to adding triborough bridge and tunnel authority peace officers to those able to conduct temporary questioning of persons

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

1 Section 1. Section 140.50 of the criminal procedure law, as amended by
2 chapter 911 of the laws of 1972, subdivision 1 as amended by chapter 714
3 of the laws of 1973 and subdivision 2 as amended by chapter 237 of the
4 laws of 1985, is amended to read as follows:
5 S 140.50 Temporary questioning of persons in public places; search for
6 weapons.
7 1. In addition to the authority provided by this article for making an
8 arrest without a warrant, a police officer may stop a person in a public
9 place located within the geographical area of such officer's employment
10 when [he] SUCH POLICE OFFICER reasonably suspects that such person is
11 committing, has committed or is about to commit either (a) a felony or
12 (b) a misdemeanor defined in the penal law, and may demand [of him his]
13 SUCH PERSON'S name, address and an explanation of his OR HER conduct.
14 2. Any person who is a peace officer and who provides security
15 services for any court of the unified court system may stop a person in
16 or about the courthouse to which [he] SUCH PEACE OFFICER is assigned
17 when [he] SUCH PEACE OFFICER reasonably suspects that such person is
18 committing, has committed or is about to commit either (a) a felony or
19 (b) a misdemeanor defined in the penal law, and may demand [of him his]
20 SUCH PERSON'S name, address and an explanation of his OR HER conduct.
21 3. ANY PERSON WHO IS A PEACE OFFICER AND ENFORCES ALL PROVISIONS OF
22 LAW IN AND ABOUT THE TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY FACILITIES,
23 MAY STOP A PERSON IN OR ABOUT SUCH FACILITIES TO WHICH SUCH PEACE OFFI-
24 CER IS ASSIGNED WHEN SUCH PEACE OFFICER REASONABLY SUSPECTS THAT SUCH

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

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1 PERSON IS COMMITTING, HAS COMMITTED OR IS ABOUT TO COMMIT EITHER (A) A
2 FELONY OR (B) A MISDEMEANOR DEFINED IN THE PENAL LAW, AND MAY DEMAND
3 SUCH PERSON'S NAME, ADDRESS AND AN EXPLANATION OF HIS OR HER CONDUCT.
4 4. When upon stopping a person under circumstances prescribed in
5 subdivisions one [and], two, AND THREE, a police officer [or], court
6 officer, OR TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY PEACE OFFICER,
7 SERGEANT, OR LIEUTENANT, as the case may be, reasonably suspects that
8 [he] SUCH OFFICER is in danger of physical injury, he OR SHE may search
9 such person for a deadly weapon or any instrument, article or substance
10 readily capable of causing serious physical injury and of a sort not
11 ordinarily carried in public places by law-abiding persons. If [he] SUCH
12 OFFICER finds [such] a weapon or instrument, or any other property
13 possession of which he OR SHE reasonably believes may constitute the
14 commission of a crime, he OR SHE may take it and keep it until the
15 completion of the questioning, at which time he OR SHE shall either
16 return it, if lawfully possessed, or arrest such person.
17 S 2. This act shall take effect on the first of November next succeed-
18 ing the date on which it shall have become a law.