

3054

2009-2010 Regular Sessions

I N S E N A T E

March 10, 2009

Introduced by Sens. SEWARD, LARKIN, MORAHAN, VOLKER -- 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 authorizing peace officers designated by the superintendent of insurance to execute arrest warrants and search warrants

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

- 1 Section 1. Section 120.10 of the criminal procedure law, as amended by
2 chapter 424 of the laws of 1998, is amended to read as follows:
3 S 120.10 Warrant of arrest; definition, function, form and content.
4 1. A warrant of arrest is a process issued by a local criminal court
5 directing a police officer OR A PEACE OFFICER DESIGNATED BY THE SUPER-
6 INTENDENT OF INSURANCE to arrest a defendant designated in an accusatory
7 instrument filed with such court and to bring him before such court in
8 connection with such instrument. The sole function of a warrant of
9 arrest is to achieve a defendant's court appearance in a criminal action
10 for the purpose of arraignment upon the accusatory instrument by which
11 such action was commenced.
12 2. A warrant of arrest must be subscribed by the issuing judge and
13 must state or contain (a) the name of the issuing court, and (b) the
14 date of issuance of the warrant, and (c) the name or title of an offense
15 charged in the underlying accusatory instrument, and (d) the name of the
16 defendant to be arrested or, if such be unknown, any name or description
17 by which he can be identified with reasonable certainty, and (e) the
18 police officer or officers OR PEACE OFFICERS DESIGNATED BY THE SUPER-
19 INTENDENT OF INSURANCE to whom the warrant is addressed, and (f) a
20 direction that such officer arrest the defendant and bring him before
21 the issuing court.
22 3. A warrant of arrest may be addressed to a classification of police
23 officers, or to two or more classifications thereof, as well as to a

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

LBD07365-01-9

1 designated individual police officer or officers, AS WELL AS TO PEACE
2 OFFICERS DESIGNATED BY THE SUPERINTENDENT OF INSURANCE. Multiple copies
3 of such a warrant may be issued.

4 S 2. Section 120.50 of the criminal procedure law, as amended by chap-
5 ter 424 of the laws of 1998, is amended to read as follows:

6 S 120.50 Warrant of arrest; to what police officers AND PEACE OFFICERS
7 DESIGNATED BY THE SUPERINTENDENT OF INSURANCE addressed.

8 A warrant of arrest may be addressed to any police officer or classi-
9 fication of police officers whose geographical area of employment
10 embraces either the place where the offense charged was allegedly
11 committed or the locality of the court by which the warrant is issued OR
12 TO PEACE OFFICERS DESIGNATED BY THE SUPERINTENDENT OF INSURANCE.

13 S 3. Section 690.25 of the criminal procedure law is amended by adding
14 a new subdivision 3 to read as follows:

15 3. A SEARCH WARRANT MAY BE ADDRESSED TO A PEACE OFFICER DESIGNATED BY
16 THE SUPERINTENDENT OF INSURANCE, AS DEFINED IN SUBDIVISION FORTY-SEVEN
17 OF SECTION 2.10 OF THIS CHAPTER, TO BE EXECUTED PURSUANT TO ITS TERMS.

18 S 4. This act shall take effect on the ninetieth day after it shall
19 have become a law.