S T A T E O F N E W Y O R K

5053

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

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

AN ACT to amend the executive law, in relation to the duties of the state police when there is an offense by a police officer that results in serious physical injuries to another person

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

Section 1. Section 223 of the executive law is amended by adding three new subdivisions 3, 4 and 5 to read as follows:

3. IT SHALL BE THE DUTY OF THE SUPERINTENDENT OF THE STATE POLICE AND OF MEMBERS OF THE STATE POLICE TO SECURE AND FREEZE THE SCENE OF ANY CRIME INVOLVING AN OFFENSE BY A POLICE OFFICER RESULTING IN SERIOUS PHYSICAL INJURY, AS SUCH TERM IS DEFINED IN SUBDIVISION TEN OF SECTION 10.00 OF THE PENAL LAW, TO ANOTHER PERSON. FOR THE PURPOSES OF THIS SUBDIVISION AND SUBDIVISIONS FOUR AND FIVE OF THIS SECTION, THE TERM "POLICE OFFICER" SHALL HAVE THE SAME MEANING AS IN SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW.

4. IT SHALL BE THE DUTY OF THE SUPERINTENDENT OF THE STATE POLICE AND OF MEMBERS OF THE STATE POLICE TO PREVENT, INVESTIGATE AND DETECT VIOLATIONS OF THE CRIMINAL LAWS OF THIS STATE BY ANY POLICE OFFICER THAT WOULD OR DO RESULT IN SERIOUS PHYSICAL INJURY, AS SUCH TERM IS DEFINED IN SUBDIVISION TEN OF SECTION 10.00 OF THE PENAL LAW, TO ANOTHER PERSON.

5. IT SHALL BE THE DUTY OF THE SUPERINTENDENT OF THE STATE POLICE AND OF MEMBERS OF THE STATE POLICE TO COOPERATE WITH THE ATTORNEY GENERAL IN THE INVESTIGATION AND CRIMINAL PROSECUTION OF ANY OFFENSE BY A POLICE OFFICER RESULTING IN SERIOUS PHYSICAL INJURY, AS SUCH TERM IS DEFINED IN SUBDIVISION TEN OF SECTION 10.00 OF THE PENAL LAW, TO ANOTHER PERSON.

S 2. The opening paragraph of section 223 of the executive law is renumbered subdivision 1 and three new subdivisions 2, 3 and 4 are added to read as follows:

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

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2. IT SHALL BE THE DUTY OF THE SUPERINTENDENT OF THE STATE POLICE AND OF MEMBERS OF THE STATE POLICE TO SECURE AND FREEZE THE SCENE OF ANY CRIME INVOLVING AN OFFENSE BY A POLICE OFFICER RESULTING IN SERIOUS PHYSICAL INJURY, AS SUCH TERM IS DEFINED IN SUBDIVISION TEN OF SECTION 10.00 OF THE PENAL LAW, TO ANOTHER PERSON. FOR THE PURPOSES OF THIS SUBDIVISION AND SUBDIVISIONS THREE AND FOUR OF THIS SECTION, THE TERM "POLICE OFFICER" SHALL HAVE THE SAME MEANING AS IN SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW.

3. IT SHALL BE THE DUTY OF THE SUPERINTENDENT OF THE STATE POLICE AND OF MEMBERS OF THE STATE POLICE TO PREVENT, INVESTIGATE AND DETECT VIOLATIONS OF THE CRIMINAL LAWS OF THIS STATE BY ANY POLICE OFFICER THAT WOULD OR DO RESULT IN SERIOUS PHYSICAL INJURY, AS SUCH TERM IS DEFINED IN SUBDIVISION TEN OF SECTION 10.00 OF THE PENAL LAW, TO ANOTHER PERSON.

4. IT SHALL BE THE DUTY OF THE SUPERINTENDENT OF THE STATE POLICE AND OF MEMBERS OF THE STATE POLICE TO COOPERATE WITH THE ATTORNEY GENERAL IN THE INVESTIGATION AND CRIMINAL PROSECUTION OF ANY OFFENSE BY A POLICE OFFICER RESULTING IN SERIOUS PHYSICAL INJURY, AS SUCH TERM IS DEFINED IN SUBDIVISION TEN OF SECTION 10.00 OF THE PENAL LAW, TO ANOTHER PERSON.

S 3. This act shall take effect immediately, provided that the amendments to section 223 of the executive law made by section one of this act shall be subject to the expiration and reversion of such section pursuant to section 3 of chapter 428 of the laws of 1999, as amended, when upon such date the provisions of section two of this act shall take effect.