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

4059--B

2011-2012 Regular Sessions

I N S E N A T E

March 16, 2011

Introduced by Sen. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring security guards in mercantile establishments to complete training on awareness and sensitivity to mental illness; and to amend the general obligations law, in relation to requiring a court to consider any mental disease or defect of the defendant in a civil action relating to a larceny in a mercantile establishment

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

Section 1. Paragraph b of subdivision 1 of section 89-n of the general business law, as amended by chapter 634 of the laws of 1994, is amended to read as follows:

b. an on-the-job training course to be completed within ninety working days following employment, consisting of a minimum of sixteen hours and a maximum of forty hours, as determined by the council, generally relating to the security guard's specific duties, the nature of the work place and the requirements of the security guard company; PROVIDED, HOWEVER, THAT IN A MERCANTILE ESTABLISHMENT, AS DEFINED IN SECTION 11-105 OF THE GENERAL OBLIGATIONS LAW, SUCH COURSE SHALL CONTAIN A COMPONENT ON AWARENESS AND SENSITIVITY TO MENTAL ILLNESS;

S 2. Section 11-105 of the general obligations law is amended by adding a new subdivision 8-a to read as follows:

8-A. IN ANY ACTION BROUGHT PURSUANT TO SUBDIVISION FIVE OR SIX OF THIS SECTION, THE COURT SHALL CONSIDER IN THE INTEREST OF JUSTICE, AS A MITIGATING CIRCUMSTANCE, ANY CREDIBLE EVIDENCE OFFERED BY THE DEFENDANT OF MENTAL DISEASE OR DEFECT, AS DEFINED IN SECTION 40.15 OF THE PENAL LAW, SUFFERED BY SUCH DEFENDANT.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.

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

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