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

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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. BING, ORTIZ, SCHROEDER, MILLMAN, BOYLAND, PERRY, MENG, CASTRO, BARRON, SCHIMEL, ROBINSON, HOOPER -- Multi-Sponsored by -- M. of A. BRENNAN, MARKEY, MAYERSOHN, PHEFFER, REILLY, WEISENBERG -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law and the public health law, in relation to the training of police officers and firefighters

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

Section 1. The general municipal law is amended by adding a new section 209-ff to read as follows:

S 209-FF. TRAINING OF POLICE OFFICERS AND FIREFIGHTERS. 1. (A) THE COMMISSIONER OF THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES, IN CONSULTATION WITH THE COMMISSIONER OF THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES AND DISABILITY ADVOCACY GROUPS, SHALL REVIEW THE TRAINING COURSE ENTITLED "PERSONS WITH DISABILITIES," PART FIVE SECTION E OF THE BASIC COURSE FOR POLICE OFFICERS AND MODIFY IT TO INCLUDE INSTRUCTION ON OTHER DEVELOPMENTAL DISABILITIES AS WELL. THE TRAINING SHOULD INCLUDE INSTRUCTION ON CEREBRAL PALSY, EPILEPSY, EMOTIONAL DISTURBANCE, TRAUMATIC BRAIN INJURY, PERSONS WHO ARE HEARING-IMPAIRED, AND ANY OTHER DISABILITY DEEMED NECESSARY BY THE COMMISSIONERS. THE TRAINING SHALL BE DESIGNED TO EDUCATE POLICE OFFICERS ON APPROPRIATE RECOGNITION AND RESPONSE TECHNIQUES FOR HANDLING EMERGENCY SITUATIONS INVOLVING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES OR PEOPLE WHO ARE HEARING-IMPAIRED. THE CURRICULUM SHOULD ALSO INCLUDE INSTRUCTION ON APPROPRIATE INTERVIEW AND INTERROGATION TECHNIQUES. ADDITIONAL ATTENTION SHOULD BE PLACED UPON BEHAVIORS ASSOCIATED WITH INDIVIDUALS WITH AUTISM AND OTHER NEUROLOGICAL AND BEHAVIORALLY BASED DISORDERS. THE TRAINING COURSE SHALL BE ADMINISTERED BY THE COMMISSION ON QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES CREATED UNDER ARTICLE FORTY-FIVE OF THE MENTAL HYGIENE LAW, AS PART OF THE IN-SERVICE

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

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TRAINING PROVIDED TO EACH LOCAL POLICE OFFICER IN EACH LAW ENFORCEMENT UNIT OPERATING IN THIS STATE. THIS REVIEW AND MODIFICATION SHALL BE IMPLEMENTED WITHIN TWELVE MONTHS OF THE EFFECTIVE DATE OF THIS SECTION.

(B) NOTWITHSTANDING ANY STATE OR LOCAL LAW, PRIOR TO BEING APPOINTED TO PERMANENT STATUS AS A LOCAL POLICE OFFICER IN A LAW ENFORCEMENT UNIT, AN INDIVIDUAL SHALL BE REQUIRED TO COMPLETE THE TRAINING COURSE ENTITLED "PERSONS WITH DISABILITIES." EVERY LOCAL POLICE OFFICER APPOINTED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION SHALL, WITHIN THIRTY-SIX MONTHS OF SUCH EFFECTIVE DATE, SATISFACTORILY COMPLETE THE TRAINING DEVELOPED UNDER PARAGRAPH (A) OF THIS SUBDIVISION.

2. (A) THE STATE FIRE ADMINISTRATOR OF THE OFFICE OF FIRE PREVENTION AND CONTROL, IN CONSULTATION WITH THE COMMISSIONER OF THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES AND DISABILITY ADVOCACY GROUPS, SHALL ADAPT THE TRAINING DEVELOPED BY THE COMMISSIONER OF THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES UNDER PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION TO BE UTILIZED FOR TRAINING FIREFIGHTERS. THE CURRICULUM SHALL BE INCORPORATED INTO EXISTING REQUIREMENTS FOR TRAINING, RE-CERTIFICATION AND CONTINUING EDUCATION OF FIREFIGHTERS, WITHIN SIXTEEN MONTHS OF THE EFFECTIVE DATE OF THIS SECTION.

(B) NOTWITHSTANDING ANY STATE OR LOCAL LAW, ALL FIREFIGHTERS, VOLUNTEER OR PAID, PERMANENT OR NON-PERMANENT, AND ALL INDIVIDUALS ENGAGED IN FIRE SUPPRESSION, FIREFIGHTING, OR FIRE RESCUE SHALL BE REQUIRED TO SATISFACTORILY COMPLETE THE TRAINING DEVELOPED UNDER PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION, AS PART OF EXISTING CONTINUING EDUCATION REQUIREMENTS, AT LEAST ONCE EVERY THIRTY-SIX MONTHS.

S 2. The public health law is amended by adding a new section 3054 to read as follows:

S 3054. TRAINING OF EMERGENCY RESPONDERS. 1. THE DIRECTOR OF THE NEW YORK STATE HEALTH DEPARTMENT BUREAU OF EMERGENCY MEDICAL SERVICES, IN CONSULTATION WITH THE COMMISSIONER OF THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES AND DISABILITY ADVOCACY GROUPS, SHALL ADAPT THE TRAINING DEVELOPED BY THE COMMISSIONER OF THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWO HUNDRED NINE-FF OF THE GENERAL MUNICIPAL LAW TO BE UTILIZED FOR TRAINING EMERGENCY RESPONDERS. THE CURRICULUM SHALL BE INCORPORATED INTO EXISTING REQUIREMENTS FOR TRAINING, RE-CERTIFICATION AND CONTINUING EDUCATION OF EMERGENCY RESPONDERS, WITHIN EIGHTEEN MONTHS OF THE EFFECTIVE DATE OF THIS SECTION.

2. PRIOR TO CERTIFICATION BY THE NEW YORK STATE HEALTH DEPARTMENT BUREAU OF EMERGENCY MEDICAL SERVICES, EVERY ADVANCED EMERGENCY MEDICAL TECHNICIAN, EMERGENCY MEDICAL TECHNICIAN OR CERTIFIED FIRST RESPONDER, AS DEFINED IN SECTION THREE THOUSAND ONE OF THIS CHAPTER, SHALL BE REQUIRED TO SATISFACTORILY COMPLETE THE TRAINING DEVELOPED UNDER SUBDIVISION ONE OF THIS SECTION.

3. PRIOR TO RE-CERTIFICATION BY THE NEW YORK STATE HEALTH DEPARTMENT BUREAU OF EMERGENCY MEDICAL SERVICES, EVERY ADVANCED EMERGENCY MEDICAL TECHNICIAN, EMERGENCY MEDICAL TECHNICIAN OR CERTIFIED FIRST RESPONDER, AS DEFINED IN SECTION THREE THOUSAND ONE OF THIS CHAPTER, SHALL BE REQUIRED TO SATISFACTORILY COMPLETE THE TRAINING DEVELOPED UNDER SUBDIVISION ONE OF THIS SECTION. THE TRAINING SHALL BE COMPLETED AS PART OF A STATE APPROVED REFRESHER COURSE OR CONTINUING EDUCATION COURSE. THE TRAINING SHALL BE SUBSTANTIALLY SIMILAR, IN SUBSTANCE AND DURATION, TO THE TRAINING MANDATED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWO HUNDRED NINE-FF OF THE GENERAL MUNICIPAL LAW. NO ADVANCED EMERGENCY MEDICAL TECHNICIAN, EMERGENCY MEDICAL TECHNICIAN OR CERTIFIED FIRST RESPONDER, AS DEFINED IN SECTION THREE THOUSAND ONE OF THIS CHAPTER,

SHALL BE EXEMPT FROM THIS REQUIREMENT FOR ANY REASON, CERTIFICATION OR TEST SCORE.

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