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

4304

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

Introduced by M. of A. CUSICK, MARKEY, PHEFFER, DenDEKKER -- Multi-Sponsored by -- M. of A. BOYLAND, COLTON, LAVINE, N. RIVERA, TOBACCO -- read once and referred 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:

Section 1. Section 140.50 of the criminal procedure law, as amended by chapter 911 of the laws of 1972, subdivision 1 as amended by chapter 714 of the laws of 1973, subdivision 2 as amended by chapter 237 of the laws of 1985 and subdivision 4 as added by chapter 176 of the laws of 2010, is amended to read as follows:

S 140.50 Temporary questioning of persons in public places; search for weapons.

1. In addition to the authority provided by this article for making an arrest without a warrant, a police officer may stop a person in a public place located within the geographical area of such officer's employment when [he] SUCH POLICE OFFICER reasonably suspects that such person is committing, has committed or is about to commit either (a) a felony or (b) a misdemeanor defined in the penal law, and may demand [of him his] SUCH PERSON'S name, address and an explanation of his OR HER conduct.

2. Any person who is a peace officer and who provides security services for any court of the unified court system may stop a person in or about the courthouse to which [he] SUCH PEACE OFFICER is assigned when [he] SUCH PEACE OFFICER reasonably suspects that such person is committing, has committed or is about to commit either (a) a felony or (b) a misdemeanor defined in the penal law, and may demand [of him his] SUCH PERSON'S name, address and an explanation of his OR HER conduct.

3. ANY PERSON WHO IS A PEACE OFFICER AND ENFORCES ALL PROVISIONS OF LAW IN AND ABOUT THE TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY FACILITIES,

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

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MAY STOP A PERSON IN OR ABOUT SUCH FACILITIES TO WHICH SUCH PEACE OFFICER IS ASSIGNED WHEN SUCH PEACE OFFICER REASONABLY SUSPECTS THAT SUCH PERSON IS COMMITTING, HAS COMMITTED OR IS ABOUT TO COMMIT EITHER (A) A FELONY OR (B) A MISDEMEANOR DEFINED IN THE PENAL LAW, AND MAY DEMAND SUCH PERSON'S NAME, ADDRESS AND AN EXPLANATION OF HIS OR HER CONDUCT.

4. When upon stopping a person under circumstances prescribed in subdivisions one [and], two, AND THREE, a police officer [or], court officer, OR TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY PEACE OFFICER, SERGEANT, OR LIEUTENANT, as the case may be, reasonably suspects that [he] SUCH OFFICER is in danger of physical injury, he OR SHE may search such person for a deadly weapon or any instrument, article or substance readily capable of causing serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons. If [he] SUCH OFFICER finds [such] a weapon or instrument, or any other property possession of which he OR SHE reasonably believes may constitute the commission of a crime, he OR SHE may take it and keep it until the completion of the questioning, at which time he OR SHE shall either return it, if lawfully possessed, or arrest such person.

[4.] 5. In cities with a population of one million or more, information that establishes the personal identity of an individual who has been stopped, questioned and/or frisked by a police officer or peace officer, such as the name, address or social security number of such person, shall not be recorded in a computerized or electronic database if that individual is released without further legal action; provided, however, that this subdivision shall not prohibit police officers or peace officers from including in a computerized or electronic database generic characteristics of an individual, such as race and gender, who has been stopped, questioned and/or frisked by a police officer or peace officer.

S 2. This act shall take effect on the first of December next succeeding the date on which it shall have become a law.