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

6249--B

Cal. No. 1090

I N S E N A T E

January 17, 2012

Introduced by Sen. ALESI -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the criminal procedure law, in relation to granting peace officer status to certain security services officers employed by the University of Rochester

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

Section 1. Section 2.10 of the criminal procedure law is amended by adding a new subdivision 83 to read as follows:

83. (A) SECURITY SERVICES OFFICERS EMPLOYED BY THE UNIVERSITY OF ROCHESTER WHO ARE DESIGNATED AS PEACE OFFICERS BY THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ROCHESTER PURSUANT TO PARAGRAPHS (B), (C), (D) AND (E) OF THIS SUBDIVISION; PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO AUTHORIZE ANY SUCH OFFICER TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM UNLESS THE APPROPRIATE LICENSE THEREFOR HAS BEEN ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW.

(B) FOR THE PROTECTION OF THE GROUNDS, BUILDINGS AND PROPERTY OF THE UNIVERSITY OF ROCHESTER, THE PREVENTION OF CRIME AND THE ENFORCEMENT OF LAW AND ORDER, THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ROCHESTER MAY APPOINT AND REMOVE SUCH NUMBER OF SECURITY SERVICES OFFICERS DESIGNATED AS PEACE OFFICERS AS IS DETERMINED BY THE BOARD OF TRUSTEES TO BE NECESSARY FOR THE MAINTENANCE OF PUBLIC ORDER CONSISTENT WITH THIS SUBDIVISION. SUCH PEACE OFFICERS SHALL COMPLY WITH SUCH REQUIREMENTS AS SHALL BE MUTUALLY AGREED UPON BETWEEN THE CHIEF LAW ENFORCEMENT OFFICERS OF THE APPLICABLE LOCAL LAW ENFORCEMENT JURISDICTIONS AND THE UNIVERSITY OF ROCHESTER. SUCH UNIVERSITY OF ROCHESTER PEACE OFFICERS SO APPOINTED SHALL BE EMPLOYEES OF THE UNIVERSITY OF ROCHESTER AND SUBJECT TO ITS SUPERVISION AND CONTROL. SUCH UNIVERSITY OF ROCHESTER PEACE OFFICERS SHALL HAVE THE POWERS OF PEACE OFFICERS WITHIN THE GEOGRAPHIC AREA OF

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

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EMPLOYMENT OF THE GROUNDS OR PREMISES OWNED, CONTROLLED OR ADMINISTERED BY THE UNIVERSITY OF ROCHESTER WITHIN THE COUNTY OF MONROE EXCEPT AS PROVIDED IN PARAGRAPH (C) OF THIS SUBDIVISION; PROVIDED, HOWEVER, SUCH PEACE OFFICERS SHALL HAVE THE POWERS OF PEACE OFFICERS BEYOND SUCH GEOGRAPHIC AREA UPON THE REQUEST OF THE CHIEF LAW ENFORCEMENT OFFICER OF THE LOCAL LAW ENFORCEMENT JURISDICTION OR HIS OR HER DESIGNEE, FOR THE PURPOSE OF TRANSPORTING AN INDIVIDUAL WHO HAS BEEN ARRESTED IN ACCORDANCE WITH SECTION 140.27 OF THIS CHAPTER AND WHEN NO LOCAL LAW ENFORCEMENT OFFICER IS AVAILABLE FOR TRANSPORTING SUCH INDIVIDUAL IN A TIMELY MANNER.

(C) UNIVERSITY OF ROCHESTER PEACE OFFICERS WHO ARE ASSIGNED TO WORK AT STRONG MEMORIAL HOSPITAL SHALL ONLY HAVE THE POWERS IN SECTION 9.41 OF THE MENTAL HYGIENE LAW AND THE POWERS LISTED IN PARAGRAPHS (A), (C) AND (H) OF SUBDIVISION ONE OF SECTION 2.20 OF THIS ARTICLE. PROVIDED THAT IN ORDER TO EXERCISE THE POWER SET FORTH IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION 2.20 OF THIS ARTICLE, THE OFFICER HAS ACTUAL KNOWLEDGE, OR PROBABLE CAUSE TO BELIEVE, THAT SUCH INDIVIDUAL HAS COMMITTED AN OFFENSE.

(D) THE UNIVERSITY OF ROCHESTER SHALL PROVIDE LEGAL DEFENSE AND INDEMNIFICATION TO APPLICABLE MUNICIPALITY AND ITS OFFICERS AND EMPLOYEES, AND HOLD THEM HARMLESS, AGAINST ALL CLAIMS ARISING OUT OF CONDUCT BY OR INJURY TO SUCH PEACE OFFICERS WHILE CARRYING OUT THEIR SPECIAL DUTIES, EXCEPT IN THOSE SITUATIONS WHEN THEY ARE ACTING AS AGENTS OF THE CHIEF LAW ENFORCEMENT OFFICER OF THE APPLICABLE LOCAL LAW ENFORCEMENT JURISDICTION OR HIS OR HER DESIGNEE.

(E) TO BECOME ELIGIBLE FOR DESIGNATION AS A UNIVERSITY OF ROCHESTER PEACE OFFICER, A CANDIDATE SHALL, IN ADDITION TO THE TRAINING REQUIREMENTS AS SET FORTH IN SECTION 2.30 OF THIS ARTICLE, COMPLETE THE COURSE OF INSTRUCTION IN PUBLIC AND PRIVATE LAW ENFORCEMENT ESTABLISHED PURSUANT TO SUBDIVISION THREE OF SECTION SIXTY-FOUR HUNDRED THIRTY-FIVE OF THE EDUCATION LAW.

S 2. This act shall take effect immediately.