

7440

I N S E N A T E

May 17, 2012

Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law and the public health law, in relation to peace officer powers of safety officers

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

1 Section 1. Subdivision (a) of section 7.25 of the mental hygiene law,  
2 as amended by chapter 22 of the laws of 1984, is amended to read as  
3 follows:

4 (a) The commissioner and the directors of in-patient facilities in the  
5 office of mental health [may] SHALL designate safety officers to act as  
6 special policemen whose duty it shall be, under orders of the appropri-  
7 ate officer, to preserve peace and good order in facilities of such  
8 office and to fully protect the grounds, buildings, and patients. Such  
9 safety officers [acting as special policemen] shall possess all the  
10 powers of peace officers, as set forth in section 2.20 of the criminal  
11 procedure law[, while performing duties in or arising out of the course  
12 of their employment]. Such peace officers when acting pursuant to their  
13 special duties may issue and serve a simplified traffic information and  
14 appearance ticket, in the form prescribed by the commissioner of motor  
15 vehicles pursuant to section two hundred seven of the vehicle and traf-  
16 fic law, upon a person when he has reasonable cause to believe that such  
17 person has committed a traffic infraction in his presence, and shall  
18 have the power to issue and serve an appearance ticket as defined in  
19 section 150.10 of the criminal procedure law for an offense other than a  
20 felony in lieu of an arrest.

21 S 2. Subdivision (a) of section 13.25 of the mental hygiene law, as  
22 amended by chapter 969 of the laws of 1983, is amended to read as  
23 follows:

24 (a) The commissioner and the directors of facilities under his juris-  
25 diction [may] SHALL designate safety officers to act as special police-  
26 men whose duty it shall be, under orders of the appropriate officer, to  
27 preserve peace and good order in such facilities and to fully protect

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

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2 special policemen] shall possess all the powers of peace officers, as  
3 set forth in section 2.20 of the criminal procedure law[, while perform-  
4 ing duties in or arising out of the course of their employment]. Such  
5 peace officers when acting pursuant to their special duties may issue  
6 and serve a simplified traffic information and appearance ticket, in the  
7 form prescribed by the commissioner of motor vehicles pursuant to  
8 section two hundred seven of the vehicle and traffic law, upon a person  
9 when he has reasonable cause to believe that such person has committed a  
10 traffic infraction in his presence, and shall have the power to issue  
11 and serve an appearance ticket as defined in section 150.10 of the crim-  
12 inal procedure law for an offense other than a felony in lieu of an  
13 arrest.

14 S 3. Section 455 of the public health law, as amended by chapter 843  
15 of the laws of 1980, is amended to read as follows:

16 S 455. Hospitals; special policemen; powers and duties. 1. The direc-  
17 tor of each hospital in the department [may] SHALL designate [attendants  
18 or other employees] SAFETY OFFICERS to act as special policemen whose  
19 duty it shall be under the orders of the director to protect the  
20 grounds, buildings and patients of the hospital and to eject therefrom  
21 disorderly persons. Such [attendants and employees, acting as special  
22 policemen,] SAFETY OFFICERS shall possess all the powers of peace offi-  
23 cers, as set forth in section 2.20 of the criminal procedure law[, on  
24 the grounds and premises].

25 2. The designation of such [attendants and employees] SAFETY OFFICERS  
26 as special policemen in pursuance hereof, shall not be deemed to super-  
27 sede, on the grounds and premises of such hospital, the authority of  
28 peace or police officers of the jurisdiction within which such hospital  
29 is located.

30 S 4. This act shall take effect immediately.