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

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2013-2014 Regular Sessions

I N A S S E M B L Y

March 7, 2013

Introduced by M. of A. TENNEY, MONTESANO, GRAF, HAWLEY, FINCH, KOLB, McDONOUGH -- Multi-Sponsored by -- M. of A. CERETTO, P. LOPEZ, McLAUGHLIN -- read once and referred to the Committee on Codes

AN ACT to amend the general municipal law and the criminal procedure law, in relation to employment of retired police officers by school districts

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-vv to read as follows:

S 209-VV. EMPLOYMENT OF RETIRED POLICE OFFICERS AS SPECIAL SECURITY OFFICERS FOR SCHOOL DISTRICTS. 1. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION, THE TRUSTEES OR BOARD OF EDUCATION OF ANY SCHOOL DISTRICT APPROVED PURSUANT TO SUBDIVISION TWO OF THIS SECTION ARE AUTHORIZED TO EMPLOY RETIRED FORMER MEMBERS OF POLICE OR SHERIFF'S DEPARTMENTS, OR THE DIVISION OF STATE POLICE FOR THE PURPOSE OF PROVIDING SPECIAL SECURITY OFFICERS IN THE SCHOOLS OF SUCH SCHOOL DISTRICT, IN ORDER TO PROTECT THE PROPERTY OR PERSONS ON SUCH PREMISES. THE TRUSTEES OR BOARD OF EDUCATION OF ANY SCHOOL DISTRICT SO AUTHORIZED SHALL TIMELY SUBMIT THE ANNUAL REPORT SET OUT IN SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED TWO OF THE EDUCATION LAW DURING THE LENGTH OF THE AUTHORIZATION.

2. (A) TO BE AUTHORIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE TRUSTEES OR BOARD OF EDUCATION OF A SCHOOL DISTRICT MUST SUBMIT AN APPLICATION TO THE STATE DEPARTMENT OF EDUCATION WHICH SETS FORTH:

(I) THE CURRENT SECURITY ARRANGEMENTS IN SUCH DISTRICT, INCLUDING THE STAFF PROVIDING SECURITY, SCHEDULED HOURS, AND DUTIES;

(II) THE SCHOOL VIOLENCE MEASURES UNDERTAKEN BY THE SCHOOL DISTRICT, INCLUDING ALL SCHOOL CODES AND SCHOOL SAFETY PLANS REQUIRED BY SECTIONS TWENTY-EIGHT HUNDRED ONE AND TWENTY-EIGHT HUNDRED ONE-A OF THE EDUCATION LAW; AND

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

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(III) THE SECURITY NEEDS WHICH WOULD BE ADDRESSED BY THE PRESENCE OF SPECIAL SECURITY OFFICERS IN THE SCHOOL OR SCHOOLS IN THE DISTRICT.

(B) THE DEPARTMENT OF EDUCATION SHALL REVIEW THE APPLICATION AND HAVE SOLE AUTHORITY TO APPROVE OR DENY THE APPLICATION. NO APPLICATION SHALL BE APPROVED WHERE THE SCHOOL DISTRICT HAS NOT TIMELY SUBMITTED THE ANNUAL REPORT SET OUT IN SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED TWO OF THE EDUCATION LAW.

(C) SUCH AUTHORIZATION SHALL BE VALID FOR NO LONGER THAN FOUR YEARS. IF, AT ANY TIME, THE TRUSTEES OR BOARD OF EDUCATION OF A SCHOOL DISTRICT SO AUTHORIZED FAIL TO TIMELY SUBMIT THE ANNUAL REPORT SET OUT IN SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED TWO OF THE EDUCATION LAW, SUCH AUTHORIZATION SHALL BE SUSPENDED PENDING SUBMISSION.

(D) A SPECIAL SECURITY OFFICER MAY CARRY A FIREARM DURING THE HOURS OF HIS OR HER EMPLOYMENT SUBJECT TO PRIOR APPROVAL OF THE SCHOOL DISTRICT AND APPROPRIATE LICENSING PURSUANT TO SECTION 400.00 OF THE PENAL LAW.

3. THE TRUSTEES OR BOARD OF EDUCATION OF A SCHOOL DISTRICT SHALL HAVE THE POWER TO FIX THE COMPENSATION OF PERSONS SO EMPLOYED, EITHER AT ANNUAL OR PER DIEM RATES IN THE MANNER PROVIDED FOR IN THIS SUBDIVISION. EMPLOYMENTS PROVIDED FOR IN THIS SECTION SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION TWO HUNDRED TWELVE OF THE RETIREMENT AND SOCIAL SECURITY LAW. THE COMPENSATION FOR PERSONS EMPLOYED BY A SCHOOL DISTRICT UNDER THIS SECTION SHALL NOT EXCEED THE DIFFERENCE BETWEEN THE AMOUNT OF HIS OR HER PENSION (EXCLUDING THE AMOUNT OF ANY SUPPLEMENTATION THERETO) AND THE AMOUNT OF HIS OR HER FINAL SALARY AS DEFINED BY SECTION TWO HUNDRED TEN OF THE RETIREMENT AND SOCIAL SECURITY LAW.

S 2. Subdivision 1 of section 209-v of the general municipal law, as amended by chapter 843 of the laws of 1980, is amended to read as follows:

1. Notwithstanding any general, local or special law or charter provision, the governing board of any political subdivision may authorize any police or law enforcement agency of such political subdivision to employ retired former members of police or sheriff's departments, or the division of state police, or retired former correction, parole or probation officers for the purpose of providing special [patrolmen] SECURITY OFFICERS in publicly owned property within such political subdivision[, including property of a school district,] in order to protect the property or persons on such premises.

S 3. Section 2.10 of the criminal procedure law is amended by adding a new subdivision 84 to read as follows:

84. SPECIAL SECURITY OFFICERS EMPLOYED BY A SCHOOL DISTRICT PURSUANT TO SECTION TWO HUNDRED NINE-VV OF THE GENERAL MUNICIPAL LAW, WHEN ACTING PURSUANT TO THEIR DUTIES AS SUCH, AND SUCH AUTHORITY BEING LIMITED TO THE SCHOOL GROUNDS, AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION FOURTEEN OF SECTION 220.00 OF THE PENAL LAW, TO WHICH THEY ARE ASSIGNED AND LIMITED TO THE HOURS OF THEIR EMPLOYMENT DURING WHICH CLASSES ARE IN SESSION AND DURING WHICH A SCHOOL SPONSORED EXTRACURRICULAR ACTIVITY IS OCCURRING ON SUCH SCHOOL GROUNDS; PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO AUTHORIZE SUCH OFFICER TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM UNLESS PRIOR APPROVAL HAS BEEN GIVEN BY THE SCHOOL DISTRICT AND THE APPROPRIATE LICENSE HAS BEEN ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW.

S 4. This act shall take effect immediately.