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

3606--A

Cal. No. 180

2013-2014 Regular Sessions

I N S E N A T E

February 7, 2013

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- 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 general business law, in relation to exempting certain officers of the departments of correction and sanitation of the city of New York from training requirements for security guards; and to amend the criminal procedure law, in relation to designating correction officers of New York city as peace officers

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

Section 1. Paragraphs a, f and g of subdivision 4 of section 89-n of the general business law, paragraphs a and f as amended and paragraph g as added by chapter 221 of the laws of 2003, are amended and a new paragraph h is added to read as follows:

a. a correction officer of any state correctional facility OR A MEMBER OF THE UNIFORMED CORRECTION FORCE OF THE NEW YORK CITY DEPARTMENT OF CORRECTION having the powers of a peace officer pursuant to subdivision twenty-five of section 2.10 of the criminal procedure law;

f. a police officer as defined in paragraphs (a), (b), (c), (d), (e), (f), (j), (k), (l), (o) and (p) of subdivision thirty-four of section 1.20 of the criminal procedure law who has been retired from such employment for a period not to exceed ten years, provided, however, that a retired police officer who has been retired from such employment for a period in excess of ten years shall be required to provide proof to his or her security guard employer of his or her satisfactory completion of an eight hour annual in-service training course approved by the commissioner, and provided further, however, that a retired police officer who

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

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will be required by his or her security guard employer to carry a firearm or will be authorized to have access to a firearm shall provide to such employer proof of his or her satisfactory completion of a forty-seven hour firearms training course approved by the commissioner and, if such firearms training course has not been completed within one year prior to such employment, satisfactory completion of an additional eight hour annual firearms in-service training course approved by the commissioner, such training course to be completed at least annually; [or]

g. a peace officer as defined in subdivisions two, twenty and twenty-five and paragraphs a and b of subdivision twenty-one of section 2.10 of the criminal procedure law who has been retired from such employment for a period not to exceed ten years, provided, however, that a retired peace officer who has been retired from such employment for a period in excess of ten years shall be required to provide proof to his or her security guard employer of his or her satisfactory completion of an eight hour annual in-service training course approved by the municipal police training council, and provided further, however, that a retired peace officer who will be required by his or her security guard employer to carry a firearm or will be authorized to have access to a firearm shall provide to such employer proof of his or her satisfactory completion of a forty-seven hour firearms training course approved by the municipal police training council and, if such firearms training course has not been completed within one year prior to employment, satisfactory completion of an additional eight hour annual firearms in-service training course approved by the municipal police training council, such training course to be completed at least annually[.]; OR

H. AN OFFICER OR MEMBER OF THE SANITATION POLICE OF THE DEPARTMENT OF SANITATION OF THE CITY OF NEW YORK HAVING THE POWERS OF A PEACE OFFICER PURSUANT TO SUBDIVISION FIFTY-NINE OF SECTION 2.10 OF THE CRIMINAL PROCEDURE LAW.

S 2. Subdivision 25 of section 2.10 of the criminal procedure law, as amended by section 70 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

25. Officials, as designated by the commissioner of the department of corrections and community supervision pursuant to rules of the department, and correction officers of any state OR NEW YORK CITY correctional facility or of any penal correctional institution.

S 3. This act shall take effect immediately.