

3875

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 27, 2015

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Introduced by M. of A. TENNEY, MONTESANO, GRAF, HAWLEY, FINCH, KOLB, McDONOUGH, RAIA -- Multi-Sponsored by -- M. of A. CERETTO, DUPREY, LOPEZ, McLAUGHLIN, OAKS -- 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:

1     Section 1. The general municipal law is amended by adding a new  
2     section 209-vv to read as follows:  
3     S 209-VV. EMPLOYMENT OF RETIRED POLICE OFFICERS AS SPECIAL SECURITY  
4     OFFICERS FOR SCHOOL DISTRICTS. 1. NOTWITHSTANDING ANY OTHER LAW, RULE OR  
5     REGULATION, THE TRUSTEES OR BOARD OF EDUCATION OF ANY SCHOOL DISTRICT  
6     APPROVED PURSUANT TO SUBDIVISION TWO OF THIS SECTION ARE AUTHORIZED TO  
7     EMPLOY RETIRED FORMER MEMBERS OF POLICE OR SHERIFF'S DEPARTMENTS, OR THE  
8     DIVISION OF STATE POLICE FOR THE PURPOSE OF PROVIDING SPECIAL SECURITY  
9     OFFICERS IN THE SCHOOLS OF SUCH SCHOOL DISTRICT, IN ORDER TO PROTECT THE  
10    PROPERTY OR PERSONS ON SUCH PREMISES. THE TRUSTEES OR BOARD OF EDUCA-  
11    TION OF ANY SCHOOL DISTRICT SO AUTHORIZED SHALL TIMELY SUBMIT THE ANNUAL  
12    REPORT SET OUT IN SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED TWO  
13    OF THE EDUCATION LAW DURING THE LENGTH OF THE AUTHORIZATION.  
14    2. (A) TO BE AUTHORIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION,  
15    THE TRUSTEES OR BOARD OF EDUCATION OF A SCHOOL DISTRICT MUST SUBMIT AN  
16    APPLICATION TO THE STATE DEPARTMENT OF EDUCATION WHICH SETS FORTH:  
17    (I) THE CURRENT SECURITY ARRANGEMENTS IN SUCH DISTRICT, INCLUDING THE  
18    STAFF PROVIDING SECURITY, SCHEDULED HOURS, AND DUTIES;  
19    (II) THE SCHOOL VIOLENCE MEASURES UNDERTAKEN BY THE SCHOOL DISTRICT,  
20    INCLUDING ALL SCHOOL CODES AND SCHOOL SAFETY PLANS REQUIRED BY SECTIONS  
21    TWENTY-EIGHT HUNDRED ONE AND TWENTY-EIGHT HUNDRED ONE-A OF THE EDUCATION  
22    LAW; AND

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

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

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

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

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

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

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

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

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

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

52 S 4. This act shall take effect immediately.