

3671--A

Cal. No. 490

2015-2016 Regular Sessions

I N S E N A T E

February 13, 2015

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to 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 designating members of the security force of Alfred University as peace officers

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

1 Section 1. Section 2.10 of the criminal procedure law is amended by
2 adding a new subdivision 84 to read as follows:
3 84. (A) SECURITY SERVICES OFFICERS EMPLOYED BY ALFRED UNIVERSITY WHO
4 ARE DESIGNATED AS PEACE OFFICERS BY THE PRESIDENT OF ALFRED UNIVERSITY
5 PURSUANT TO PARAGRAPHS (B), (C), (D), (E) AND (F) OF THIS SUBDIVISION;
6 PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO
7 AUTHORIZE ANY SUCH OFFICER TO CARRY, POSSESS, REPAIR OR DISPOSE OF A
8 FIREARM UNLESS THE APPROPRIATE LICENSE THEREFOR HAS BEEN ISSUED PURSUANT
9 TO SECTION 400.00 OF THE PENAL LAW.
10 (B) FOR THE PROTECTION OF THE GROUNDS, BUILDINGS AND PROPERTY OF
11 ALFRED UNIVERSITY, THE PREVENTION OF CRIME AND THE ENFORCEMENT OF LAW
12 AND ORDER, THE PRESIDENT OF ALFRED UNIVERSITY, SUBJECT TO APPROVAL BY
13 THE CHIEF OF THE ALFRED VILLAGE POLICE DEPARTMENT, MAY APPOINT AND
14 REMOVE SUCH NUMBER OF SECURITY SERVICES OFFICERS DESIGNATED AS PEACE
15 OFFICERS AS IS DETERMINED BY THE PRESIDENT TO BE NECESSARY FOR THE MAIN-
16 TENANCE OF PUBLIC ORDER CONSISTENT WITH THIS SUBDIVISION. SUCH PEACE
17 OFFICERS SHALL COMPLY WITH SUCH REQUIREMENTS AS SHALL BE MUTUALLY AGREED
18 UPON BETWEEN THE CHIEF OF THE ALFRED VILLAGE POLICE DEPARTMENT AND
19 ALFRED UNIVERSITY. SUCH ALFRED UNIVERSITY PEACE OFFICERS SO APPOINTED

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

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1 SHALL BE EMPLOYEES OF ALFRED UNIVERSITY AND SUBJECT TO ITS SUPERVISION
2 AND CONTROL. SUCH ALFRED UNIVERSITY PEACE OFFICERS SHALL HAVE THE POWERS
3 OF PEACE OFFICERS WITHIN THE GEOGRAPHIC AREA OF EMPLOYMENT OF THE
4 GROUNDS OR PREMISES OWNED, CONTROLLED, OR ADMINISTERED BY ALFRED UNIVER-
5 SITY WITHIN THE COUNTY OF ALLEGANY EXCEPT AS PROVIDED IN PARAGRAPHS (C),
6 (D), AND (E) OF THIS SUBDIVISION. ALFRED UNIVERSITY SHALL PROVIDE LEGAL
7 DEFENSE AND INDEMNIFICATION, AND HOLD HARMLESS THE VILLAGE OF ALFRED AND
8 ITS OFFICERS AND EMPLOYEES, AGAINST ALL CLAIMS ARISING OUT OF CONDUCT BY
9 OR INJURY TO SUCH PEACE OFFICERS WHILE CARRYING OUT THEIR SPECIAL
10 DUTIES, EXCEPT IN THOSE SITUATIONS WHEN THEY ARE ACTING AS AGENTS OF THE
11 CHIEF OF THE ALFRED VILLAGE POLICE DEPARTMENT OR HIS OR HER DESIGNEE.

12 (C) ALFRED UNIVERSITY PEACE OFFICERS SHALL HAVE THE POWERS OF PEACE
13 OFFICERS BEYOND SUCH GEOGRAPHIC AREA PROVIDED FOR IN PARAGRAPH (B) OF
14 THIS SUBDIVISION FOR THE PURPOSE OF TRANSPORTING AN INDIVIDUAL WHO HAS
15 BEEN ARRESTED IN ACCORDANCE WITH SECTION 140.27 OF THIS CHAPTER AND WHEN
16 NO LOCAL LAW ENFORCEMENT OFFICER IS AVAILABLE FOR TRANSPORTING SUCH
17 INDIVIDUAL IN A TIMELY MANNER.

18 (D) ALFRED UNIVERSITY PEACE OFFICERS SHALL HAVE THE POWERS OF PEACE
19 OFFICERS BEYOND SUCH GEOGRAPHIC AREA PROVIDED FOR IN PARAGRAPH (B) OF
20 THIS SUBDIVISION FOR THE PURPOSE OF TRANSPORTING AN INDIVIDUAL UNDER
21 SECTION 9.41 OF THE MENTAL HYGIENE LAW AND WHEN NO LOCAL LAW ENFORCEMENT
22 OFFICER IS AVAILABLE FOR TRANSPORTING SUCH INDIVIDUAL IN A TIMELY
23 MANNER.

24 (E) ALFRED UNIVERSITY PEACE OFFICERS SHALL HAVE THE POWERS OF PEACE
25 OFFICERS BEYOND SUCH GEOGRAPHIC AREA PROVIDED FOR IN PARAGRAPH (B) OF
26 THIS SUBDIVISION FOR THE PURPOSE OF TRANSPORTING AN INDIVIDUAL TO A
27 HOSPITAL AS DEFINED BY ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW IN
28 THE CASE OF AN EMERGENCY AND WHEN NO LOCAL LAW ENFORCEMENT OFFICER IS
29 AVAILABLE TO TRANSPORT SUCH INDIVIDUAL IN A TIMELY MANNER.

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

36 S 2. This act shall take effect on the one hundred twentieth day after
37 it shall have become a law.