

STATE OF NEW YORK

7646--A

2017-2018 Regular Sessions

IN ASSEMBLY

May 5, 2017

Introduced by M. of A. JONES -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the Indian law and the criminal procedure law, in relation to jurisdiction of St. Regis Mohawk tribal police officers; and to amend chapter 121 of the laws of 2015, amending the Indian law relating to the jurisdiction of the St. Regis Mohawk tribal police, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 8 of section 114 of the Indian law, as added by chapter 558 of the laws of 2005, is amended to read as follows:

8. ~~[A person appointed a police officer under this section shall only be permitted to exercise the duties or functions of a police officer within the county of Franklin, and within that county, only within the boundary of the St. Regis reservation; except that such officer may follow a person for whom he or she has the authority to arrest on the reservation in continuous close pursuit, commencing on the reservation, in and through any county of the state, and may arrest such person in any county in which the officer apprehends him or her.]~~ The geographical area of employment of a police officer appointed under this section shall be within the county of Franklin, and within that county, only within the boundary of the St. Regis reservation, except that if the superintendent of state police has certified such officer with expanded jurisdiction within the county of Franklin, pursuant to subdivision eight-a of this section, the geographical area of employment of such police officer shall also include the area of expanded jurisdiction set forth in that subdivision. Notwithstanding any law to the contrary, police officers appointed pursuant to this section shall not serve under the command or authority of any other government agency or officer, and

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

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1 shall not serve as members of joint task forces with other law enforce-
2 ment agencies, without the approval of the superintendent.

3 § 2. Subdivision 2 of section 114 of the Indian law, as amended by
4 chapter 121 of the laws of 2015, is amended to read as follows:

5 2. Upon the application of the St. Regis Mohawk tribal council, the
6 superintendent of state police may appoint any person as a police offi-
7 cer with all powers provided for in the criminal procedure law~~[, except~~
8 ~~for those powers specifically excepted by this section,~~] for the preser-
9 vation of order and of the public peace~~[, and the arrest of all persons~~
10 ~~committing offenses]~~ upon the St. Regis Mohawk tribal reservation and
11 upon additional lands as set forth in subdivision eight-a of this
12 section. The total number of appointments shall be determined by the
13 superintendent in his or her discretion.

14 § 3. Section 2 of chapter 121 of the laws of 2015, amending the Indian
15 law relating to the jurisdiction of the St. Regis Mohawk tribal police,
16 is amended to read as follows:

17 § 2. This act shall take effect immediately ~~[and shall remain in~~
18 ~~effect until September 1, 2017 when upon such date the provisions of~~
19 ~~this act shall expire and be deemed repealed]~~.

20 § 4. Subdivision 34-a of section 1.20 of the criminal procedure law is
21 amended by adding a new paragraph (e) to read as follows:

22 (e) The geographical area of employment of a police officer appointed
23 pursuant to section one hundred fourteen of the Indian law is within the
24 county of Franklin, and within that county, only within the boundary of
25 the St. Regis reservation, except that if the superintendent of state
26 police has certified such officer with expanded jurisdiction within the
27 county of Franklin, pursuant to subdivision eight-a of such section, the
28 geographical area of employment of such police officer shall also
29 include the area of expanded jurisdiction set forth in that subdivision.

30 § 5. This act shall take effect immediately.