

STATE OF NEW YORK

4276--A

Cal. No. 1010

2017-2018 Regular Sessions

IN SENATE

February 8, 2017

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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 extending 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. In addition, a member of the St. Regis Mohawk

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

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1 tribal police department designated as a school resource officer shall
2 be deemed to be within his or her geographical area of employment when
3 assigned to, and performing official duties at, a facility of the Salmon
4 River central school district in the town of Fort Covington, county of
5 Franklin. Notwithstanding any law to the contrary, police officers
6 appointed pursuant to this section shall not serve under the command or
7 authority of any other government agency or officer, and shall not serve
8 as members of joint task forces with other law enforcement agencies,
9 without the approval of the superintendent.

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

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

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

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

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

29 (e) The geographical area of employment of a police officer appointed
30 pursuant to section one hundred fourteen of the Indian law is within the
31 county of Franklin, and within that county, only within the boundary of
32 the St. Regis reservation, except that if the superintendent of state
33 police has certified such officer with expanded jurisdiction within the
34 county of Franklin, pursuant to subdivision eight-a of such section, the
35 geographical area of employment of such police officer shall also
36 include the area of expanded jurisdiction set forth in that subdivision.
37 In addition, a member of the St. Regis Mohawk tribal police department
38 designated as a school resource officer shall be deemed to be within his
39 or her geographical area of employment when assigned to, and performing
40 official duties at, a facility of the Salmon River central school
41 district in the town of Fort Covington, county of Franklin.

42 § 5. This act shall take effect immediately.