

# STATE OF NEW YORK

4276--B

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 -- again amended and ordered reprinted, 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 the effectiveness thereof

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

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

3 8. [~~A person appointed a police officer under this section shall only~~  
4 ~~be permitted to exercise the duties or functions of a police officer~~  
5 ~~within the county of Franklin, and within that county, only within the~~  
6 ~~boundary of the St. Regis reservation, except that such officer may~~  
7 ~~follow a person for whom he or she has the authority to arrest on the~~  
8 ~~reservation in continuous close pursuit, commencing on the reservation,~~  
9 ~~in and through any county of the state, and may arrest such person in~~  
10 ~~any county in which the officer apprehends him or her.~~] The geographical  
11 area of employment of a police officer appointed under this section  
12 shall be within the county of Franklin, and within that county, only  
13 within the boundary of the St. Regis reservation, except that if the  
14 superintendent of state police has certified such officer with expanded  
15 jurisdiction within the county of Franklin, pursuant to subdivision  
16 eight-a of this section, the geographical area of employment of such  
17 police officer shall also include the area of expanded jurisdiction set

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

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1 forth in that subdivision. Notwithstanding any law to the contrary,  
2 police officers appointed pursuant to this section shall not serve under  
3 the command or authority of any other government agency or officer, and  
4 shall not serve as members of joint task forces with other law enforce-  
5 ment agencies, without the approval of the superintendent.

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

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

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

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

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

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

33 § 5. This act shall take effect immediately.