

STATE OF NEW YORK

4093

2017-2018 Regular Sessions

IN ASSEMBLY

February 1, 2017

Introduced by M. of A. HOOPER -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to providing coverage for injuries while in the line of duty by bay constables in the town of Hempstead, Nassau county

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

1 Section 1. Subdivision 1 of section 207-c of the general municipal
2 law, as amended by section 1 of chapter 522 of the laws of 2015, is
3 amended to read as follows:

4 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of
5 the sheriff's department of any county (hereinafter referred to as a
6 "[~~police~~man] police officer") or any member of a police force of any
7 county, city of less than one million population, town or village, or of
8 any district, agency, board, body or commission thereof, or a detec-
9 tive-investigator or any other investigator who is a police officer
10 pursuant to the provisions of the criminal procedure law employed in the
11 office of a district attorney of any county, or any corrections officer
12 of the county of Erie department of corrections, or an advanced ambu-
13 lance medical technician employed by the county of Nassau, or any
14 detention officer employed by the city of Yonkers, or any supervising
15 fire inspector, fire inspector, fire marshal or assistant fire marshal
16 employed full-time in the county of Nassau fire marshal's office, or at
17 the option of the county of Nassau, any probation officer of the county
18 of Nassau, or any director of bay constables, assistant director of bay
19 constables, bay constable II, or bay constable employed by the depart-
20 ment of conservation and waterways in the town of Hempstead, county of
21 Nassau, who is injured in the performance of his or her duties or who is
22 taken sick as a result of the performance of his or her duties so as to
23 necessitate medical or other lawful remedial treatment shall be paid by
24 the municipality by which he or she is employed the full amount of his

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

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1 or her regular salary or wages until his or her disability arising there-
2 from has ceased, and, in addition such municipality shall be liable for
3 all medical treatment and hospital care necessitated by reason of such
4 injury or illness. Provided, however, and notwithstanding the foregoing
5 provisions of this section, the municipal health authorities or any
6 physician appointed for the purpose by the municipality, after a deter-
7 mination has first been made that such injury or sickness was incurred
8 during, or resulted from, such performance of duty, may attend any such
9 injured or sick [~~police~~man] police officer, from time to time, for the
10 purpose of providing medical, surgical or other treatment, or for making
11 inspections and the municipality shall not be liable for salary or wages
12 payable to such [~~police~~man] police officer, or for the cost of medical
13 treatment or hospital care furnished after such date as such health
14 authorities or physician shall certify that such injured or sick
15 [~~police~~man] police officer has recovered and is physically able to
16 perform his or her regular duties. Any injured or sick [~~police~~man]
17 police officer who shall refuse to accept medical treatment or hospital
18 care or shall refuse to permit medical inspections as [~~herein~~] author-
19 ized in this section, including examinations pursuant to subdivision two
20 of this section, shall be deemed to have waived [~~his~~] or her rights
21 under this section in respect to expenses for medical treatment or
22 hospital care rendered and for salary or wages payable after such
23 refusal.

24 Notwithstanding any provision of law to the contrary, a provider of
25 medical treatment or hospital care furnished pursuant to the provisions
26 of this section shall not collect or attempt to collect reimbursement
27 for such treatment or care from any such [~~police~~man] police officer, a
28 member of a police force of any county, city, any such advanced ambu-
29 lance medical technician, any such detention officer or any such detec-
30 tive-investigator or any other such investigator who is a police officer
31 pursuant to the provisions of the criminal procedure law.

32 § 2. Subdivision 1 of section 207-c of the general municipal law, as
33 amended by section 2 of chapter 522 of the laws of 2015, is amended to
34 read as follows:

35 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of
36 the sheriff's department of any county or any member of a police force
37 of any county, city of less than one million population, town or
38 village, or of any district, agency, board, body or commission thereof,
39 or any LIRR police officer as defined in paragraph two of subdivision a
40 of section three hundred eighty-nine of the retirement and social secu-
41 rity law whose benefits are provided in and pursuant to such section
42 three hundred eighty-nine, or a detective-investigator or any other
43 investigator who is a police officer pursuant to the provisions of the
44 criminal procedure law employed in the office of a district attorney of
45 any county, or any corrections officer of the county of Erie department
46 of corrections, or an advanced ambulance medical technician employed by
47 the county of Nassau, or any detention officer employed by the city of
48 Yonkers, or any supervising fire inspector, fire inspector, fire
49 marshal, or assistant fire marshal employed full-time in the county of
50 Nassau fire marshal's office, or at the option of the county of Nassau,
51 any probation officer of the county of Nassau, or any director of bay
52 constables, assistant director of bay constables, bay constable II, or
53 bay constable employed by the department of conservation and waterways
54 in the town of Hempstead, county of Nassau, who is injured in the
55 performance of his or her duties or who is taken sick as a result of the
56 performance of his or her duties so as to necessitate medical or other

1 lawful remedial treatment shall be paid by the municipality or The Long
2 Island Rail Road Company by which he or she is employed the full amount
3 of his or her regular salary or wages from such employer until his or
4 her disability arising therefrom has ceased, and, in addition such muni-
5 cipality or The Long Island Rail Road Company shall be liable for all
6 medical treatment and hospital care necessitated by reason of such inju-
7 ry or illness. Provided, however, and notwithstanding the foregoing
8 provisions of this section, the municipal or The Long Island Rail Road
9 Company health authorities or any physician appointed for the purpose by
10 the municipality or The Long Island Rail Road Company, as relevant,
11 after a determination has first been made that such injury or sickness
12 was incurred during, or resulted from, such performance of duty, may
13 attend any such injured or sick [~~police~~man] police officer, from time to
14 time, for the purpose of providing medical, surgical or other treatment,
15 or for making inspections, and the municipality or The Long Island Rail
16 Road Company, as the case may be, shall not be liable for salary or
17 wages payable to such [~~police~~man] police officer, or for the cost of
18 medical treatment or hospital care furnished after such date as such
19 health authorities or physician shall certify that such injured or sick
20 [~~police~~man] police officer has recovered and is physically able to
21 perform his or her regular duties. Any injured or sick [~~police~~man]
22 police officer who shall refuse to accept medical treatment or hospital
23 care or shall refuse to permit medical inspections as [~~herein~~] author-
24 ized in this section, including examinations pursuant to subdivision two
25 of this section, shall be deemed to have waived his or her rights under
26 this section in respect to expenses for medical treatment or hospital
27 care rendered and for salary or wages payable after such refusal.

28 Notwithstanding any provision of law to the contrary, a provider of
29 medical treatment or hospital care furnished pursuant to the provisions
30 of this section shall not collect or attempt to collect reimbursement
31 for such treatment or care from any such [~~police~~man] police officer, any
32 such advanced ambulance medical technician or any such detention offi-
33 cer.

34 § 3. This act shall take effect immediately; provided, that the amend-
35 ments to subdivision 1 of section 207-c of the general municipal law
36 made by section one of this act shall be subject to the expiration and
37 reversion of such subdivision pursuant to section 7 of chapter 628 of
38 the laws of 1991, as amended, when upon such date the provisions of
39 section two of this act shall take effect.