STATE OF NEW YORK

8071

2019-2020 Regular Sessions

IN ASSEMBLY

May 31, 2019

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, the alcoholic beverage control law, the administrative code of the city of New York, the correction law, the civil rights law, the civil service law, the executive law, the general business law, the public authorities law, the public health law, the public officers law, the penal law, the tax law and the workers' compensation law, in relation to peace officers; and to repeal certain provisions of the criminal procedure law relating thereto

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

Section 1. Sections 2.10 and 2.16 of the criminal procedure law are REPEALED and a new section 2.10 is added to read as follows:

§ 2.10 Persons designated as peace officers.

1. Notwithstanding the provisions of any general, special or local law or charter to the contrary, the following persons shall have the powers of, and shall be peace officers and shall have the authority to carry, possess, repair, or dispose of a firearm without an appropriate license therefor issued pursuant to section 400.00 of the penal law:

(a) Parole officers and warrant officers.

(a-1) Parole revocation specialists.

(b) Probation officers.

(c) Officials of the department of corrections and community supervision and correction officers of any state correctional facility, appointed and designated by the commissioner as a peace officer; correction officers of any penal correctional institution appointed and designated by the sheriff of a county as a peace officer; and cell block attendants employed by a police department appointed and designated by the head of a police department as a peace officer.

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

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(d) Uniformed court officers, court clerks, marshalls, and deputy marshalls of the unified court system; court security officers, marshalls or court attendants appointed and designated as peace officers by a city, town, village or sheriff.

(e) Bridge and tunnel officers, sergeants and lieutenants of the Triborough bridge and tunnel authority.

(f) The sheriff, undersheriff, and deputy sheriffs of the city of New York and sworn officers of the Westchester county department of public safety services appointed after January thirty-first, nineteen hundred eighty-three to the title of public safety officer and who performs the functions previously performed by a Westchester county deputy sheriff on or prior to such date.

2. Notwithstanding the provisions of any general, special or local law or charter to the contrary, the following persons shall have the powers of, and shall be peace officers, provided however that nothing in this subdivision shall be deemed to authorize such officers to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law unless such person was appointed prior to the effective date of this act:

(a) Constables or police constables of a town or village, provided such designation is not inconsistent with local law and appointed and designated by the town or village as peace officers.

(b) Bay constables of the village of Mamaroneck and the towns of Hempstead, Oyster Bay, South Hampton, North Hempstead and Islip who prior to April third, nineteen hundred ninety-eight served as harbormaster for such town and whose position was reclassified as bay constable for such town prior to such date, appointed and designated by the town as peace officers.

(c) Harbor masters appointed and designated by a county, city, town or village as peace officers.

(d) Officers or agents of a duly incorporated society for the prevention of cruelty to animals.

(e) Persons employed by a state or county or political subdivision of the state or county assigned to the investigation and enforcement of any criminal or tax law and designated by the state or county subdivision as a peace officer.

(f) Uniformed housing guards of the Buffalo municipal housing authority.

(g) Persons appointed and designated as peace officers by the Niagara frontier transportation authority, pursuant to subdivision thirteen of section twelve hundred ninety-nine-e of the public authorities law.

3. Notwithstanding the provisions of any general, special or local law or charter to the contrary, the following persons shall have the powers of, and shall be peace officers provided however that nothing in this subdivision shall be deemed to authorize such officers to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law and the employer has authorized such officer to possess a firearm during any phase of the officer's on-duty employment:

(a) Supervising fire inspectors, fire inspectors, fire marshalls, chief fire marshalls, and assistant fire marshalls, fire prevention employees, fire investigators employed by and appointed and designated as a peace officer by the state, a county, city, or a political subdivision of the state, county or city or a fire department when acting

pursuant to their special duties in matters arising under the laws relating to fires, the extinguishment thereof and fire perils.

(b) Persons employed by a college, university, sheriff or police department as members of the security force of such college or university for the protection of grounds, buildings, and property, the prevention of crime and enforcement of law and order and the enforcement of such rules and regulations of such college or university when designated by the college or university as a peace officer. The geographic area of employment for peace officers employed by the University of Rochester shall include any public street and sidewalk that abuts the grounds, buildings or property of such university. Special deputy sheriffs appointed by the sheriff of Tompkins county for the protection of the grounds, buildings and property of Ithaca college may, when requested by the sheriff, provide assistance on any public highway which crosses or adjoins such property. Syracuse University peace officers appointed by the chief law enforcement officer of the city of Syracuse for the protection of the grounds, buildings and property of Syracuse University may, when requested by the chief law enforcement officer of the city of Syracuse or his or her designee, including by means of written protocols agreed to by the chief law enforcement officer of the city of Syracuse and Syracuse University, provide assistance on any public highway which crosses or adjoins such grounds or premises. Nothing in this paragraph shall be deemed to limit any of the specific training requirements set forth in the education law.

(c) Parole revocation specialists in the department of corrections and community notification.

(d) The welfare inspector general and investigators designated by the welfare inspector general.

(e) The workers' compensation fraud inspector general and investigators designated by the workers' compensation fraud inspector general.

(f) Parks, recreation, or forest rangers employed by and appointed and designated as peace officers by the state, a county or a political subdivision of the state or county.

(g) Officers or agents of a duly incorporated society for the prevention of cruelty to children in Rockland county.

(h) Special policemen designated by the commissioner and the directors of in-patient facilities in the office of mental health pursuant to section 7.25 of the mental hygiene law, and special policemen designated by the commissioner and the directors of facilities under his jurisdiction in the office for people with developmental disabilities pursuant to section 13.25 of the mental hygiene law.

(i) Persons designated as special policemen by the director of a hospital in the department of health pursuant to section four hundred fifty-five of the public health law.

(j) Uniformed enforcement forces of the New York state thruway authority, when acting pursuant to subdivision two of section three hundred sixty-one of the public authorities law.

(k) Employees of the department of health designated pursuant to section thirty-three hundred eighty-five of the public health law.

(l) Bay constables of the city of Rye, the village of South Nyack and bay constables of the towns of East Hampton, Riverhead, Southold, Islip, Shelter Island, Brookhaven, Babylon, Smithtown and Huntington appointed and designated by the town, city or village as peace officers.

(m) Patrolmen appointed and designated by the Lake George park commission as peace officers.

(n) Peace officers appointed and designated pursuant to the provisions of the New York state defense emergency act, as set forth in chapter seven hundred eighty-four of the laws of nineteen hundred fifty-one, as amended, when acting pursuant to their special duties during a period of attack or imminent attack by enemy forces, or during official drills called to combat natural or man-made disasters, or during official drills in preparation for an attack by enemy forces or in preparation for a natural or man-made disaster; provided that such officer shall have the powers set forth in section 2.20 of this article only during a period of imminent or actual attack by enemy forces and during drills authorized under section twenty-nine-b of the executive law, providing for the use of civil defense forces in disasters. Notwithstanding any other provision of law, such officers shall have the power to direct and control traffic during official drills in preparation for an attack by enemy forces or in preparation for combating natural or man-made disasters; however, this grant does not include any of the other powers set forth in section 2.20 of this article.

(o) New York city special patrolmen appointed by the police commissioner provided, however, that nothing in this paragraph shall be deemed to authorize such officer to carry a firearm for which the appropriate license therefor has been issued pursuant to section 400.00 of the penal law unless the employer has authorized such officer to possess a firearm during any phase of the officers on-duty employment. Special patrolmen shall have the powers set forth in section 2.20 of this article only when they are acting pursuant to their special duties; provided, however, that the following categories of New York city special patrolmen shall have such powers whether or not they are acting pursuant to their special duties: school safety officers employed by the board of education of the city of New York; parking control specialists, taxi and limousine inspectors, urban park rangers and evidence and property control specialists employed by the city of New York; and further provided that, with respect to the aforementioned categories of New York city special patrolmen, where such a special patrolman has been appointed by the police commissioner and, upon the expiration of such appointment the police commissioner has neither renewed such appointment nor explicitly determined that such appointment shall not be renewed, such appointment shall remain in full force and effect indefinitely, until such time as the police commissioner expressly determines to either renew or terminate such appointment.

(p) All officers and members of the uniformed force of the New York city fire department as set forth and subject to any limitations contained in the administrative code of the city of New York.

(q) Special policemen for horse racing, appointed and designated pursuant to sections two hundred twenty-three, three hundred twelve and four hundred twelve of the racing, pari-mutuel wagering and breeding law.

(r) Waterfront and airport investigators, pursuant to subdivision four of section 5-b of part II of the waterfront and airport commission act.

(s) Special patrolmen of a political subdivision, appointed pursuant to section two hundred nine-v of the general municipal law.

(t) Special officers employed by the city of New York or by the New York city health and hospitals corporation. The New York city health and hospitals corporation shall employ peace officers appointed pursuant to this subdivision to perform the patrol, investigation, and maintenance of the peace duties of special officer, senior special officer and hospital security officer, provided however that nothing in this para-

graph shall prohibit managerial, supervisory, or state licensed or certified professional employees of the corporation from performing such duties where they are incidental to their usual duties, or shall prohibit police officers employed by the city of New York from performing these duties.

(u) Fire police squads organized pursuant to section two hundred nine-c of the general municipal law, at such times as the fire department, fire company or an emergency rescue and first aid squad of the fire department or fire company are on duty, or when, on orders of the chief of the fire department or fire company of which they are members, they are separately engaged in response to a call for assistance pursuant to the provisions of section two hundred nine of the general municipal law.

(v) Housing patrolmen of the Mount Vernon housing authority, appointed and designated as peace officers and acting pursuant to rules of the Mount Vernon housing authority.

(w) Persons appointed and designated as peace officers by the Sea Gate Association pursuant to the provisions of chapter three hundred ninety-one of the laws of nineteen hundred forty.

(x) New York state air base security guards when they are appointed and designated as peace officers under military regulations promulgated by the chief of staff to the governor and when performing their duties as air base security guards pursuant to orders issued by appropriate military authority.

(y) Members of the army national guard military police and air national guard security personnel belonging to the organized militia of the state of New York when they are appointed and designated as peace officers under military regulations promulgated by the adjutant general and when performing their duties as military policemen or air security personnel pursuant to orders issued by appropriate military authority.

(z) Transportation supervisors in the city of White Plains appointed and designated by the commissioner of public safety in the city of White Plains as peace officers.

(aa) Security hospital treatment assistants, appointed and designated by the commissioner of the office of mental health as peace officers while performing duties in or arising out of the course of their employment.

(bb) Authorized agents of the municipal directors of weights and measures in the counties of Suffolk, Nassau and Westchester when acting pursuant to their special duties as set forth in section one hundred eighty-one of the agriculture and markets law.

(cc) Special policemen appointed and designated by a town as peace officers pursuant to section one hundred fifty-eight of the town law.

(dd) Dog control and animal control officers appointed and designated as peace officers by a political subdivision of the state.

(ee) Harbor park rangers employed by the Snug Harbor cultural center in Richmond county and appointed as New York city special patrolmen by the police commissioner pursuant to the administrative code of the city of New York. Notwithstanding any provision of law, rule or regulation, such officers shall be authorized to issue appearance tickets pursuant to section 150.20 of this chapter, and shall have such other powers as are specified in section 2.20 of this article only when acting pursuant to their special duties.

(ff) Officers of the Westchester county public safety emergency force, when activated by the commissioner of public safety or the sheriff of the county of Westchester.

(gg) Uniformed members of the security force of the Troy housing authority appointed and designated by the Troy housing authority as peace officers.

(hh) Officers and members of the sanitation police of the department of sanitation of the city of New York, duly appointed and designated as peace officers by such department. Provided, further, that nothing in this paragraph shall be deemed to apply to officers and members of the sanitation police regularly and exclusively assigned to enforcement of such city's residential recycling laws.

(ii) Employees of the office of children and family services assigned to transport and warrants units who are specifically designated by the director in accordance with section five hundred four-b of the executive law.

(jj) Employees appointed and designated as peace officers by a sheriff pursuant to their special duties serving as uniformed marine patrol officers.

(kk) Airport security guards, senior airport security guards, airport security supervisors, retired police officers, and supervisors of same, who are appointed and designated by resolution of the town board of the town of Islip to provide security at Long Island MacArthur Airport when acting pursuant to their duties as such, and such authority being specifically limited to the grounds of the said airport.

(ll) Members of the security force employed and appointed and designated as peace officers by Erie County Medical Center.

(mm) Employees of the New York city business integrity commission appointed and designated as peace officers by the chairperson of such commission.

(nn) Members of the security force employed by Kaleida Health within and directly adjacent to the hospital buildings on the medical campus located between East North Street, Goodell Street, Main Street and Michigan Avenue. These officers shall only have the powers listed in paragraph (c) of subdivision one of section 2.20 of this article, as well as the power to detain an individual for a reasonable period of time while awaiting the arrival of law enforcement, provided that the officer has actual knowledge, or probable cause to believe, that such individual has committed an offense.

(oo) Watershed protection and enforcement officers appointed by the city of Peekskill. Such officers shall only have the powers set forth in paragraphs (a), (b), (c), (f), (g), and (h) of subdivision one of section 2.20 of this article and, notwithstanding paragraph (b) of subdivision thirty-four-a of section 1.20 of this title and paragraph (b) of subdivision five of section 140.25 of this chapter, watershed protection and enforcement officers are authorized to make arrests and issue appearance tickets in those areas of the Hollow Brook watershed and Wiccopee reservoir located outside of the city of Peekskill in the counties of Putnam and Westchester, including along its reservoirs, shoreline, and tributaries.

§ 2. Subdivision 23 of section 105 of the alcoholic beverage control law, as added by section 1 of part F of chapter 85 of the laws of 2002, is amended to read as follows:

23. All premises licensed under sections fifty-four, fifty-four-a, sixty-three and seventy-nine of this chapter shall be subject to inspection by any peace officer described in [~~subdivision four~~] paragraph (e) of subdivision two of section 2.10 of the criminal procedure law acting pursuant to his special duties, or police officer or any duly

authorized representative of the state liquor authority, during the hours when the said premises are open for the transaction of business.

§ 3. Paragraph 7 of subdivision a of section 10-131 of the administrative code of the city of New York, as amended by chapter 195 of the laws of 2005, is amended to read as follows:

7. A fee shall not be charged or collected for the issuance of a license, or the renewal thereof, to have and carry concealed a pistol or revolver which is issued upon the application of a qualified retired police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law, or a qualified retired bridge and tunnel officer, sergeant or lieutenant of the triborough bridge and tunnel authority as defined under **paragraph (e) of** subdivision [~~**twenty**~~] **one** of section 2.10 of the criminal procedure law, or a qualified retired uniformed court officer in the unified court system, or a qualified retired court clerk in the unified court system in the first and second judicial departments, as defined in [~~**paragraphs a and b of subdivision twenty-one**~~] **paragraph (d) of subdivision one** of section 2.10 of the criminal procedure law or a retired correction officer as defined in [~~**subdivision twenty-five**~~] **paragraph (c) of subdivision one** of section 2.10 of the criminal procedure law or a qualified retired sheriff, undersheriff or deputy sheriff of the city of New York as defined under **paragraph (f) of** subdivision [~~**two**~~] **one** of section 2.10 of the criminal procedure law.

§ 4. Subdivision (a) of section 11-4021 of the administrative code of the city of New York, as amended by chapter 556 of the laws of 2011, is amended to read as follows:

(a) Whenever a police officer designated in section 1.20 of the criminal procedure law or a peace officer designated in **paragraph (e) of** subdivision [~~**five**~~] **two** of section 2.10 of such law, acting pursuant to his special duties, shall discover any cigarettes subject to any tax provided by chapter thirteen of this title, and upon which the tax has not been paid or the stamps not affixed as required by such chapter, they are hereby authorized and empowered forthwith to seize and take possession of such cigarettes, together with any vending machine or receptacle in which they are held for sale. Such cigarettes, vending machine or receptacle seized by a police officer or such peace officer shall be turned over to the commissioner of finance.

§ 5. Paragraph 2 of subdivision (c) of section 11-4023 of the administrative code of the city of New York, as added by local law number 97 of the city of New York for the year 2013, is amended to read as follows:

(2) Ten days after the date of such posting, and upon the written directive of the commissioner, police officers designated in section 1.20 of the criminal procedure law and peace officers employed by the department of finance, including but not limited to the sheriff, undersheriff and deputy sheriffs of the city of New York designated as peace officers in **paragraph (f) of** subdivision [~~**two**~~] **one** of section 2.10 of the criminal procedure law, are authorized to act upon and enforce such orders.

§ 6. Paragraph (a) of section 11-4024 of the administrative code of the city of New York, as added by local law number 97 of the city of New York for the year 2013, is amended to read as follows:

(a) Whenever a police officer designated in section 1.20 of the criminal procedure law or a peace officer employed by the department of finance, including but not limited to the sheriff, undersheriff or deputy sheriffs of the city of New York designated as peace officers in **paragraph (f) of** subdivision [~~**two**~~] **one** of section 2.10 of the criminal

procedure law, shall discover (1) any cigarettes subject to any tax provided by chapter thirteen of this title, and upon which the tax has been paid and the stamps affixed as required by such chapter, but such cigarettes are sold, offered for sale or possessed by a person in violation of section 11-1303, 17-703 or 20-202 of this code, or (2) any flavored tobacco product that is sold, offered for sale or possessed with intent to sell in violation of section 17-715 of this code, he or she is hereby authorized and empowered forthwith to seize and take possession of such cigarettes or flavored tobacco product, together with any vending machine or receptacle in which such cigarettes or flavored tobacco product are held for sale. Such cigarettes or flavored tobacco product, vending machine or receptacle seized by such police officer or such peace officer shall be turned over to the commissioner of finance.

§ 7. Subdivision c of section 12-121 of the administrative code of the city of New York, as added by chapter 427 of the laws of 2000, is amended to read as follows:

c. City residence shall not be required as a condition of employment for campus peace officers level I, level II and level III, as defined by **paragraph (o) of** subdivision [~~**twenty-seven**~~] **three** of section 2.10 of the criminal procedure law, employed by the city university of New York before the effective date of this subdivision.

§ 8. Subdivision a of section 17-182 of the administrative code of the city of New York, as amended by local law number 22 of the city of New York for the year 2002, is amended to read as follows:

a. Any corporation of government, the expenses of which are paid in whole or in part from the city treasury, which provides health and medical services and operates health facilities and which is authorized to employ special officers having peace officer status as defined in [~~**New York Criminal Procedure Law § 2.10(40)**~~] **paragraph (t) of subdivision three of section 2.10 of the criminal procedure law**, shall utilize peace officers appointed pursuant to said subdivision to perform the duties of special officer, senior special officer and hospital security officer. The commissioner of the department of health and mental hygiene shall enforce this requirement.

§ 9. Subdivision 1 of section 120 of the correction law, as added by chapter 202 of the laws of 2007, is amended to read as follows:

1. Except as provided in subdivisions two, three and four of this section, the duty of maintaining the custody and supervision of persons detained or confined in a correctional facility as defined in subdivision four of section two of this chapter, including a drug treatment campus as defined in subdivision twenty of section two of this chapter, or a local correctional facility as defined in subdivision sixteen of section two of this chapter shall be performed solely by police officers designated in paragraph (a), (b), (c), (d), (e), (g), (j) or (m) of subdivision thirty-four of section 1.20 of the criminal procedure law or peace officers designated in [~~**subdivision twenty-five**~~] **paragraph (c) of subdivision one** of section 2.10 of the criminal procedure law, which persons, whether employed full-time or part-time, shall be in the competitive, non-competitive or exempt class of the civil service of New York state as determined by state law or by the state or applicable local civil service commission.

§ 10. Paragraph (q) of subdivision 34 of section 1.20 of the criminal procedure law, as amended by section 55 of part K of chapter 61 of the laws of 2011, is amended to read as follows:

(q) An employee of the department of taxation and finance (i) assigned to enforcement of the taxes imposed under or pursuant to the authority

of article twelve-A of the tax law and administered by the commissioner of taxation and finance, taxes imposed under or pursuant to the authority of article eighteen of the tax law and administered by the commissioner, taxes imposed under article twenty of the tax law, or sales or compensating use taxes relating to petroleum products or cigarettes imposed under article twenty-eight or pursuant to the authority of article twenty-nine of the tax law and administered by the commissioner or (ii) [~~designated as a revenue crimes specialist and~~] assigned to the enforcement of [~~the~~] taxes [~~described in~~] pursuant to paragraph [~~(c) of subdivision four~~] (e) of subdivision two of section 2.10 of this title, for the purpose of applying for and executing search warrants under article six hundred ninety of this chapter, for the purpose of acting as a claiming agent under article thirteen-A of the civil practice law and rules in connection with the enforcement of the taxes referred to above and for the purpose of [~~executing warrants of arrest relating to the respective crimes specified in subdivision four~~] investigating or enforcing a criminal law pursuant to paragraph (e) of subdivision two of section 2.10 of this title.

§ 11. Subdivision 1 of section 50-a of the civil rights law, as amended by chapter 516 of the laws of 2014, is amended to read as follows:

1. All personnel records used to evaluate performance toward continued employment or promotion, under the control of any police agency or department of the state or any political subdivision thereof including authorities or agencies maintaining police forces of individuals defined as police officers in section 1.20 of the criminal procedure law and such personnel records under the control of a sheriff's department or a department of correction of individuals employed as correction officers and such personnel records under the control of a paid fire department or force of individuals employed as firefighters or firefighter/paramedics and such personnel records under the control of the department of corrections and community supervision for individuals defined as peace officers pursuant to [~~subdivisions twenty-three and twenty-three-a~~] paragraphs (a), (a-1) and (b) of subdivision one of section 2.10 of the criminal procedure law and such personnel records under the control of a probation department for individuals defined as peace officers pursuant to paragraph (b) of subdivision [~~twenty-four~~] one of section 2.10 of the criminal procedure law shall be considered confidential and not subject to inspection or review without the express written consent of such police officer, firefighter, firefighter/paramedic, correction officer or peace officer within the department of corrections and community supervision or probation department except as may be mandated by lawful court order.

§ 12. Subdivision 1 of section 50-d of the civil rights law, as added by chapter 517 of the laws of 1992, is amended to read as follows:

1. As used in this section, "personnel records of court officers" means all personnel records of court officers as defined in [~~paragraph a of~~] paragraph (d) of subdivision [~~twenty-one~~] one of section 2.10 of the criminal procedure law, used to evaluate performance toward continued employment or promotion, and under the control of the office of court administration.

§ 13. Subdivision 1 of section 50-e of the civil rights law, as added by chapter 578 of the laws of 1993, is amended to read as follows:

1. As used in this section, "personnel records of bridge and tunnel officers, sergeants and lieutenants" means all personnel records of bridge and tunnel officers, sergeants and lieutenants as defined in

paragraph (e) of subdivision [~~twenty~~] one of section 2.10 of the criminal procedure law, used to evaluate performance toward continued employment or promotion, and under the control of the Triborough bridge and tunnel authority.

§ 14. The opening paragraph of paragraph i of subdivision 1 of section 130 of the civil service law, as added by chapter 257 of the laws of 2012, is amended to read as follows:

Pursuant to the terms of an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter covering members of the collective negotiating unit designated as security supervisors who are employed by the state department of corrections and community supervision and are designated as peace officers pursuant to paragraph (c) of subdivision [~~twenty-five~~] one of section 2.10 of the criminal procedure law, effective on the dates indicated, salary grades for positions in the competitive, non-competitive and labor classes shall be as follows:

§ 15. Subdivision 2 and the opening paragraph and paragraph (f) of subdivision 4 of section 209 of the civil service law, as amended by section 64 of subpart B of part C of chapter 62 of the laws of 2011, are amended to read as follows:

2. Public employers are hereby empowered to enter into written agreements with recognized or certified employee organizations setting forth procedures to be invoked in the event of disputes which reach an impasse in the course of collective negotiations. Such agreements may include the undertaking by each party to submit unresolved issues to impartial arbitration. In the absence or upon the failure of such procedures, public employers and employee organizations may request the board to render assistance as provided in this section, or the board may render such assistance on its own motion, as provided in subdivision three of this section, or, in regard to officers or members of any organized fire department, or any unit of the public employer which previously was a part of an organized fire department whose primary mission includes the prevention and control of aircraft fires, police force or police department of any county, city, town, village or fire or police district, or detective-investigators, or rackets investigators employed in the office of a district attorney of a county, or in regard to any organized unit of troopers, commissioned or noncommissioned officers of the division of state police, or in regard to investigators, senior investigators and investigator specialists of the division of state police, or in regard to members of collective negotiating units designated as security services and security supervisors who are police officers, who are forest ranger captains or who are employed by the state department of corrections and community supervision and are designated as peace officers pursuant to paragraph (c) of subdivision [~~twenty-five~~] one of section 2.10 of the criminal procedure law, or in regard to members of the collective negotiating unit designated as the agency law enforcement services unit who are police officers pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law or who are forest rangers, or in regard to organized units of deputy sheriffs who are engaged directly in criminal law enforcement activities that aggregate more than fifty per centum of their service as certified by the county sheriff and are police officers pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law as certified by the municipal police training council or Suffolk county correction officers or Suffolk county park police, as provided in subdivision four of this section.

On request of either party or upon its own motion, as provided in subdivision two of this section, and in the event the board determines that an impasse exists in collective negotiations between such employee organization and a public employer as to the conditions of employment of officers or members of any organized fire department, or any other unit of the public employer which previously was a part of an organized fire department whose primary mission includes the prevention and control of aircraft fires, police force or police department of any county, city, town, village or fire or police district, and detective-investigators, criminal investigators or rackets investigators employed in the office of a district attorney, or as to the conditions of employment of members of any organized unit of troopers, commissioned or noncommissioned officers of the division of state police or as to the conditions of employment of members of any organized unit of investigators, senior investigators and investigator specialists of the division of state police, or as to the terms and conditions of employment of members of collective negotiating units designated as security services and security supervisors, who are police officers, who are forest ranger captains or who are employed by the state department of corrections and community supervision and are designated as peace officers pursuant to **paragraph (c) of** subdivision [~~twenty-five~~] **one** of section 2.10 of the criminal procedure law, or in regard to members of the collective negotiating unit designated as the agency law enforcement services unit who are police officers pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law or who are forest rangers, or as to the conditions of employment of any organized unit of deputy sheriffs who are engaged directly in criminal law enforcement activities that aggregate more than fifty per centum of their service as certified by the county sheriff and are police officers pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law as certified by the municipal police training council or Suffolk county correction officers or Suffolk county park police, the board shall render assistance as follows:

(f) With regard to any members of collective negotiating units designated as security services or security supervisors, who are police officers, who are forest ranger captains or who are employed by the state department of corrections and community supervision and are designated as peace officers pursuant to **paragraph (c) of** subdivision [~~twenty-five~~] **one** of section 2.10 of the criminal procedure law, or in regard to members of the collective negotiating unit designated as the agency law enforcement services unit who are police officers pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law or who are forest rangers, or in regard to detective-investigators, criminal investigators or rackets investigators employed in the office of a district attorney of a county contained within a city with a population of one million or more, the provisions of this section shall only apply to the terms of collective bargaining agreements directly relating to compensation, including, but not limited to, salary, stipends, location pay, insurance, medical and hospitalization benefits; and shall not apply to non-compensatory issues including, but not limited to, job security, disciplinary procedures and actions, deployment or scheduling, or issues relating to eligibility for overtime compensation which shall be governed by other provisions proscribed by law.

§ 16. Paragraph d of subdivision 8 of section 156-c of the executive law, as amended by section 4 of part A of chapter 101 of the laws of 2013, is amended to read as follows:

d. Whenever any police officer designated in section 1.20 of the criminal procedure law or a peace officer designated in **paragraph (e) of** subdivision [~~four and subdivision seventy-nine pertaining to the Office of Fire Prevention and Control,~~] **two** of section 2.10 of such law, acting pursuant to his or her special duties, shall discover any cigarettes which have not been marked in the manner required by subdivision six of this section, such officer is hereby authorized and empowered to seize and take possession of such cigarettes. Such seized cigarettes shall be turned over to the commissioner of taxation and finance, and shall be forfeited to the state. Cigarettes seized pursuant to this section shall be destroyed.

§ 17. Subdivision 4 of section 89-n of the general business law, as amended by chapter 221 of the laws of 2003, is amended to read as follows:

4. The provisions of this section shall not apply to a security guard who is:

a. a correction officer of any state correctional facility having the powers of a peace officer pursuant to **paragraph (c) of** subdivision [~~twenty-five~~] **one** of section 2.10 of the criminal procedure law;

b. a bridge and tunnel officer, sergeant or lieutenant of the Triborough bridge and tunnel authority having the powers of a peace officer pursuant to **paragraph (e) of** subdivision [~~twenty~~] **one** of section 2.10 the criminal procedure law;

c. a uniformed court officer of the unified court system having the powers of a peace officer pursuant to **paragraph (d) of** subdivision [~~twenty-one~~] **one** of section 2.10 of the criminal procedure law;

d. a court clerk having the powers of a peace officer pursuant to **paragraph (d) of** subdivision [~~twenty-one~~] **one** of section 2.10 of the criminal procedure law;

e. a deputy sheriff having the powers of a peace officer pursuant to **paragraph (f) of** subdivision [~~two~~] **one** of section 2.10 the criminal procedure law;

f. a police officer as defined in paragraphs (a), (b), (c), (d), (e), (f), (j), (k), (l), (o) and (p) of subdivision thirty-four of section 1.20 of the criminal procedure law who has been retired from such employment for a period not to exceed ten years, provided, however, that a retired police officer who has been retired from such employment for a period in excess of ten years shall be required to provide proof to his or her security guard employer of his or her satisfactory completion of an eight hour annual in-service training course approved by the commissioner, and provided further, however, that a retired police officer who will be required by his or her security guard employer to carry a firearm or will be authorized to have access to a firearm shall provide to such employer proof of his or her satisfactory completion of a forty-seven hour firearms training course approved by the commissioner and, if such firearms training course has not been completed within one year prior to such employment, satisfactory completion of an additional eight hour annual firearms in-service training course approved by the commissioner, such training course to be completed at least annually; or

g. a peace officer as defined in [~~subdivisions two, twenty and twenty-five and paragraphs a and b of subdivision twenty-one~~] **paragraphs (c), (d), (e), and (f) of subdivision one** of section 2.10 of the criminal procedure law who has been retired from such employment for a period not to exceed ten years, provided, however, that a retired peace officer who has been retired from such employment for a period in excess of ten years shall be required to provide proof to his or her security guard

employer of his or her satisfactory completion of an eight hour annual in-service training course approved by the municipal police training council, and provided further, however, that a retired peace officer who will be required by his or her security guard employer to carry a firearm or will be authorized to have access to a firearm shall provide to such employer proof of his or her satisfactory completion of a forty-seven hour firearms training course approved by the municipal police training council and, if such firearms training course has not been completed within one year prior to employment, satisfactory completion of an additional eight hour annual firearms in-service training course approved by the municipal police training council, such training course to be completed at least annually.

§ 18. Subdivision 13 of section 1299-e of the public authorities law, as amended by chapter 816 of the laws of 1984, is amended to read as follows:

13. To appoint or designate one or more persons for the purpose of enforcing rules and regulations established by the authority, and to compel the observance of law and order on the properties, facilities and improvements of the authority for the protection and administration of such property, facilities and improvements, and the traveling public using such facilities. Each person as and when so appointed or designated shall be known as (a) a "Niagara frontier transportation authority security officer or patrolman" and shall be a peace officer as set forth in **paragraph (g) of** subdivision [~~**forty-five**~~] **two** of section 2.10 of the criminal procedure law, or a police officer within the purview of subdivision thirty-four of section 1.20 of the criminal procedure law or (b) a "ticket inspector" and shall not be a peace officer or a police officer but, when so designated or appointed, shall be authorized to issue and serve appearance tickets pursuant to section 150.20 of the criminal procedure law with respect to violations of rules and regulations so established.

§ 19. Subdivision 4 of section 1399-ll of the public health law, as added by chapter 262 of the laws of 2000, is amended to read as follows:

4. Whenever a police officer designated in section 1.20 of the criminal procedure law or a peace officer designated in **paragraph (e) of** subdivision [~~**four**~~] **two** of section 2.10 of such law, acting pursuant to his or her special duties, shall discover any cigarettes which have been or which are being shipped or transported in violation of this section, such person is hereby empowered and authorized to seize and take possession of such cigarettes, and such cigarettes shall be subject to a forfeiture action pursuant to the procedures provided for in article thirteen-A of the civil practice law and rules, as if such article specifically provided for forfeiture of cigarettes seized pursuant to this section as a pre-conviction forfeiture crime.

§ 20. Subdivisions 4, 5 and 7 of section 3-b of the public officers law, subdivision 4 as added by chapter 404 of the laws of 2011, subdivision 5 as added by chapter 8 of the laws of 2013 and subdivision 7 as added by chapter 418 of the laws of 2014, are amended to read as follows:

4. Neither the provisions of this section or of any general, special or local law, charter, code, ordinance, resolution, rule or regulation, requiring a person to be a resident of the political subdivision or municipal corporation of the state by which he or she is employed, shall apply to a person employed by a city with a population of over one million in the titles of special officer, senior special officer, principal special officer and supervising special officer as "special offi-

cer" is defined in **paragraph (t) of** subdivision [~~forty~~] **three** of section 2.10 of the criminal procedure law, evidence and property control specialists, taxi and limousine inspector, taxi and limousine inspector (motor vehicles), senior taxi and limousine inspector, senior taxi and limousine inspector (motor vehicles), associate taxi and limousine inspector, supervising taxi and limousine inspector, supervising taxi and limousine inspector (motor vehicles), education facilities officers L1 (formerly school guards), education facilities officers L2 (formerly school safety officers), hospital security officers, campus security officer, campus peace officer, college security specialist, campus public safety sergeant, campus security assistant or school guard (school safety agent), provided that he or she has completed two years of employment with the city of New York and is a resident of New York, Kings, Queens, Bronx, Richmond, Nassau, Westchester, Suffolk, Orange, Rockland or Putnam county.

5. In respect to peace officers employed by Cornell university, and assigned to the Ithaca campus, pursuant to section fifty-seven hundred nine of the education law, the provisions of this section requiring a person to be a resident of the same county as the appointing official shall not prevent a person from serving as a peace officer for Cornell university, or as a special deputy sheriff, and assigned to the Ithaca campus, as defined in **paragraph (b) of** subdivision [~~forty-two~~] **three** of section 2.10 of the criminal procedure law, provided that such person resides in the state of New York.

7. Neither the provisions of this section or of any general, special or local law, charter, code, ordinance, resolution, rule or regulation, requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be employed or appointed or within which his or her official functions are required to be exercised, shall apply to a person who is a member of the security force employed or appointed by Kaleida Health as described in **paragraph (nn) of** subdivision [~~eighty-three~~] **three** of section 2.10 of the criminal procedure law, provided that such person resides in the county in which such security force of Kaleida Health is located or an adjoining county within the state. The provisions of this subdivision shall only apply to a person who is a member of the security force employed by Kaleida Health on the effective date of this subdivision.

§ 21. Subdivision 20 of section 10.00 of the penal law, as added by chapter 765 of the laws of 2005, is amended to read as follows:

20. For purposes of sections 120.13, 120.18, 125.11, 125.21 and 125.22 of this chapter, the term "peace officer" means a peace officer as defined in [~~subdivision one, two, three, four, six, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three, twenty-three-a, twenty-four, twenty-five, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-four, thirty-five, thirty-six, forty-three, forty-five, forty-seven, forty-eight, forty-nine, fifty-one, fifty-two, fifty-eight, sixty-one, as added by chapter two hundred fifty-seven of the laws of nineteen hundred ninety-two, sixty-one, as added by chapter three hundred twenty-one of the laws of nineteen hundred ninety-two, sixty-two, as added by chapter two hundred four of the laws of nineteen hundred ninety-three, sixty-two, as added by chapter six hundred eighty-seven of the laws of nineteen hundred ninety-three, sixty-three, as amended by chapter six hundred thirty-eight of the laws of two thousand three, sixty-four, sixty-five, sixty-eight, as added by chapter one hundred sixty-eight of the laws of two thousand, sixty-eight, as added by chapter three hundred~~

~~eighty-one of the laws of two thousand, seventy, seventy-one, seventy-four, as added by chapter five hundred forty-eight of the laws of two thousand one, seventy-five, as added by chapter three hundred twenty-one of the laws of two thousand two, seventy-five, as added by chapter six hundred twenty-three of the laws of two thousand two, seventy-seven, as added by chapter three hundred sixty-seven of the laws of two thousand four, seventy-eight or seventy-nine, as added by chapter two hundred forty-one of the laws of two thousand four,~~] paragraphs (a), (a-1), (b), (c), (d), (e), and (f) of subdivision one, paragraphs (a), (c), (e), (f), (g), and (n) of subdivision two and paragraphs (a), (b), (c), (h), (i), (j), (k), (l), (o), (p), (q), (r), (x), (y), (aa), (gg), and (kk) of subdivision three of section 2.10 of the criminal procedure law, as well as any federal law enforcement officer defined in section 2.15 of the criminal procedure law.

§ 22. Subparagraph (ii) of paragraph (a) of subdivision 1 of section 125.26 of the penal law, as added by chapter 765 of the laws of 2005, is amended to read as follows:

(ii) the intended victim was a peace officer as defined in [~~paragraph a of subdivision twenty-one, subdivision twenty-three, twenty-four or sixty-two (employees of the division for youth)~~] paragraph (a), (b) or (d) of subdivision one of section 2.10 of the criminal procedure law who was at the time of the killing engaged in the course of performing his or her official duties, and the defendant knew or reasonably should have known that the victim was such a uniformed court officer, parole officer, or probation officer[~~, or employee of the division for youth~~]; or

§ 23. Subparagraph (ii) of paragraph (a) of subdivision 1 of section 125.27 of the penal law, as amended by chapter 1 of the laws of 1995, is amended to read as follows:

(ii) the intended victim was a peace officer as defined in [~~paragraph a of subdivision twenty-one, subdivision twenty-three, twenty-four or sixty-two (employees of the division for youth)~~] paragraph (a), (b) or (d) of subdivision one of section 2.10 of the criminal procedure law who was at the time of the killing engaged in the course of performing his official duties, and the defendant knew or reasonably should have known that the intended victim was such a uniformed court officer, parole officer, or probation officer[~~, or employee of the division for youth~~]; or

§ 24. Subdivisions 6 and 14 of section 400.00 of the penal law, subdivision 6 as amended by chapter 318 of the laws of 2002, subdivision 14 as amended by chapter 195 of the laws of 2005, are amended to read as follows:

6. License: validity. Any license issued pursuant to this section shall be valid notwithstanding the provisions of any local law or ordinance. No license shall be transferable to any other person or premises. A license to carry or possess a pistol or revolver, not otherwise limited as to place or time of possession, shall be effective throughout the state, except that the same shall not be valid within the city of New York unless a special permit granting validity is issued by the police commissioner of that city. Such license to carry or possess shall be valid within the city of New York in the absence of a permit issued by the police commissioner of that city, provided that (a) the firearms covered by such license have been purchased from a licensed dealer within the city of New York and are being transported out of said city forthwith and immediately from said dealer by the licensee in a locked container during a continuous and uninterrupted trip; or provided that (b) the firearms covered by such license are being transported by the

licensee in a locked container and the trip through the city of New York is continuous and uninterrupted; or provided that (c) the firearms covered by such license are carried by armored car security guards transporting money or other valuables, in, to, or from motor vehicles commonly known as armored cars, during the course of their employment; or provided that (d) the licensee is a retired police officer as police officer is defined pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law or a retired federal law enforcement officer, as defined in section 2.15 of the criminal procedure law, who has been issued a license by an authorized licensing officer as defined in subdivision ten of section 265.00 of this chapter; provided, further, however, that if such license was not issued in the city of New York it must be marked "Retired Police Officer" or "Retired Federal Law Enforcement Officer", as the case may be, and, in the case of a retired officer the license shall be deemed to permit only police or federal law enforcement regulations weapons; or provided that (e) the licensee is a peace officer described in **paragraph (e) of** subdivision [~~four~~] **two** of section 2.10 of the criminal procedure law and the license, if issued by other than the city of New York, is marked "New York State Tax Department Peace Officer" and in such case the exemption shall apply only to the firearm issued to such licensee by the department of taxation and finance. A license as gunsmith or dealer in firearms shall not be valid outside the city or county, as the case may be, where issued.

14. Fees. In the city of New York and the county of Nassau, the annual license fee shall be twenty-five dollars for gunsmiths and fifty dollars for dealers in firearms. In such city, the city council and in the county of Nassau the Board of Supervisors shall fix the fee to be charged for a license to carry or possess a pistol or revolver and provide for the disposition of such fees. Elsewhere in the state, the licensing officer shall collect and pay into the county treasury the following fees: for each license to carry or possess a pistol or revolver, not less than three dollars nor more than ten dollars as may be determined by the legislative body of the county; for each amendment thereto, three dollars, and five dollars in the county of Suffolk; and for each license issued to a gunsmith or dealer in firearms, ten dollars. The fee for a duplicate license shall be five dollars. The fee for processing a license transfer between counties shall be five dollars. The fee for processing a license or renewal thereof for a qualified retired police officer as defined under subdivision thirty-four of section 1.20 of the criminal procedure law, or a qualified retired sheriff, undersheriff, or deputy sheriff of the city of New York as defined under **paragraph (f) of** subdivision [~~two~~] **one** of section 2.10 of the criminal procedure law, or a qualified retired bridge and tunnel officer, sergeant or lieutenant of the triborough bridge and tunnel authority as defined under **paragraph (e) of** subdivision [~~twenty~~] **one** of section 2.10 of the criminal procedure law, or a qualified retired uniformed court officer in the unified court system, or a qualified retired court clerk in the unified court system [~~in the first and second judicial departments~~], as defined in [~~paragraphs a and b~~] **paragraph (d)** of subdivision [~~twenty-one~~] **one** of section 2.10 of the criminal procedure law or a retired correction officer as defined in **paragraph (c) of** subdivision [~~twenty-five~~] **one** of section 2.10 of the criminal procedure law shall be waived in all counties throughout the state.

§ 25. Paragraph 3 of subdivision (a) of section 1815 of the tax law, as amended by section 29 of subpart I of part V-1 of chapter 57 of the laws of 2009, is amended to read as follows:

(3) For the purposes of conferring jurisdiction upon courts and police officers, and on the officers specified in **paragraph (e) of** subdivision [~~four~~] **two** of section 2.10 of the criminal procedure law and on judicial officers generally, such violations shall be deemed traffic infractions and for such purpose only all provisions of law relating to traffic infractions shall apply to such violations; provided, however, that the commissioner of motor vehicles, any hearing officer appointed by him, or any administrative tribunal authorized to hear and determine any charges or offenses which are traffic infractions shall not have jurisdiction of such infractions.

§ 26. Subdivision (a) of section 1845 of the tax law, as added by chapter 508 of the laws of 1993, is amended to read as follows:

(a) Temporary seizure. Whenever a police officer designated in section 1.20 of the criminal procedure law or a peace officer designated in **paragraph (e) of** subdivision [~~four~~] **two** of section 2.10 of such law, acting pursuant to his special duties, shall discover more than ninety liters of liquors which are being imported for sale or use in the state, where the person importing or causing such liquors to be imported is not registered as a distributor under section four hundred twenty-one of this chapter, such police officer or peace officer is hereby authorized to seize and take possession of such liquors, and to seize and take possession of the vehicle or other means of transportation used to transport such liquors.

§ 27. Subdivisions (a) and (a-1) of section 1846 of the tax law, as amended by chapter 556 of the laws of 2011, are amended to read as follows:

(a) Whenever a police officer designated in section 1.20 of the criminal procedure law or a peace officer designated in **paragraph (e) of** subdivision [~~four~~] **two** of section 2.10 of such law, acting pursuant to his or her special duties, shall discover any cigarettes subject to tax provided by article twenty of this chapter or by chapter thirteen of title eleven of the administrative code of the city of New York, and upon which the tax has not been paid or the stamps not affixed as required by such article or such chapter thirteen, they are hereby authorized and empowered forthwith to seize and take possession of such cigarettes, together with any vending machine or receptacle in which they are held for sale. Such cigarettes, vending machine or receptacle seized by a police officer or such peace officer shall be turned over to the commissioner. Such seized cigarettes, vending machine or receptacle, not including money contained in such vending machine or receptacle, shall be forfeited to the state. The commissioner may, within a reasonable time thereafter, upon publication of a notice to such effect for at least five successive days, before the day of sale, in a newspaper published or circulated in the county where the seizure was made, sell such forfeited vending machines or receptacles at public sale and pay the proceeds into the state treasury to the credit of the general fund. Notwithstanding any other provision of this section, the commissioner may enter into an agreement with any city of this state which is authorized to impose a tax similar to that imposed by article twenty of this chapter to provide for the disposition between the state and any such city of the proceeds from any such sale. All cigarettes forfeited to the state shall be destroyed or used for law enforcement purposes, except that cigarettes that violate, or are suspected of violating, federal trademark laws or import laws shall not be used for law enforcement purposes. If the commissioner determines the cigarettes may not be used for law enforcement purposes, the commissioner must, within a

reasonable time after the forfeiture of such cigarettes, upon publication in the state registry, destroy such forfeited cigarettes. The commissioner may, prior to any destruction of cigarettes, permit the true holder of the trademark rights in the cigarettes to inspect such forfeited cigarettes in order to assist in any investigation regarding such cigarettes.

(a-1) Whenever a police officer designated in section 1.20 of the criminal procedure law or a peace officer designated in **paragraph (e) of** subdivision [~~four~~] **two** of section 2.10 of such law, acting pursuant to his or her special duties, shall discover any cigarettes which have been stamped in violation of section four hundred eighty-b of this chapter, such officer is hereby authorized and empowered forthwith to seize and take possession of such cigarettes, and such cigarettes shall be subject to a forfeiture action pursuant to the procedures provided for in article thirteen-A of the civil practice law and rules, as if such article specifically provided for forfeiture of cigarettes seized pursuant to this section as a preconviction forfeiture crime. Subdivisions (b), (c) and (d) of this section shall not apply to cigarettes seized pursuant to this subdivision.

§ 28. Subdivisions (a) and (a-1) of section 1846-a of the tax law, as amended by chapter 556 of the laws of 2011, are amended to read as follows:

(a) Whenever a police officer designated in section 1.20 of the criminal procedure law or a peace officer designated in **paragraph (e) of** subdivision [~~four~~] **two** of section 2.10 of such law, acting pursuant to his special duties, shall discover any tobacco products in excess of five hundred cigars or ten pounds of tobacco which are being imported for sale in the state where the person importing or causing such tobacco products to be imported has not been appointed as a distributor pursuant to section four hundred seventy-two of this chapter, such police officer or peace officer is hereby authorized and empowered forthwith to seize and take possession of such tobacco products. Such tobacco products seized by a police officer or peace officer shall be turned over to the commissioner. Such seized tobacco products shall be forfeited to the state. All tobacco products forfeited to the state shall be destroyed or used for law enforcement purposes, except that tobacco products that violate, or are suspected of violating, federal trademark laws or import laws shall not be used for law enforcement purposes. If the commissioner determines the tobacco products may not be used for law enforcement purposes, the commissioner must, within a reasonable time thereafter, upon publication in the state registry of a notice to such effect before the day of destruction, destroy such forfeited tobacco products. The commissioner may, prior to any destruction of tobacco products, permit the true holder of the trademark rights in the tobacco products to inspect such forfeited products in order to assist in any investigation regarding such tobacco products.

(a-1) Whenever a police officer designated in section 1.20 of the criminal procedure law or a peace officer designated in **paragraph (e) of** subdivision [~~four~~] **two** of section 2.10 of the criminal procedure law, acting pursuant to his or her special duties, discovers any roll-your-own tobacco that is in violation of section four hundred eighty-c of this chapter, the officer is authorized and empowered to seize and take possession of the roll-your-own tobacco, and the roll-your-own tobacco is subject to a forfeiture action under the procedures provided for in article thirteen-A of the civil practice law and rules, as if that article specifically provided for forfeiture of roll-your-own tobacco seized

under this section as a preconviction forfeiture crime. Subdivisions (b) and (c) of this section do not apply to roll-your-own tobacco seized pursuant to this subdivision.

§ 29. Subdivisions (a) and (b) of section 1847 of the tax law, subdivision (a) as amended by section 3 of part E of chapter 93 of the laws of 2002, subdivision (b) as added by chapter 61 of the laws of 1989, are amended to read as follows:

(a) Any peace officer designated in **paragraph (e) of** subdivision [~~**four or five**~~] **two** of section 2.10 of the criminal procedure law, acting pursuant to his or her special duties, or any police officer designated in section 1.20 of the criminal procedure law may seize any vehicle or other means of transportation used to transport or for the deposit or concealment of more than one hundred unstamped or unlawfully stamped packages of cigarettes subject to tax under article twenty of this chapter or by chapter thirteen of title eleven of the administrative code of the city of New York, other than a vehicle or other means of transportation used by any person as a common carrier in transaction of business as such common carrier, and such vehicle or other means of transportation shall be subject to forfeiture as hereinafter in this section provided.

(b) Any peace officer designated in **paragraph (e) of** subdivision [~~**four**~~] **two** of section 2.10 of the criminal procedure law, acting pursuant to his special duties, or any police officer designated in section 1.20 of the criminal procedure law may seize any vehicle or other means of transportation used to import tobacco products in excess of five hundred cigars or ten pounds of tobacco for sale where the person importing or causing such tobacco products to be imported has not been appointed a distributor pursuant to section four hundred seventy-two of this chapter, other than a vehicle or other means of transportation used by any person as a common carrier in transaction of business as such common carrier, and such vehicle or other means of transportation shall be subject to forfeiture as hereinafter in this section provided.

§ 30. Subdivision (a) of section 1848 of the tax law, as amended by section 54 of part K of chapter 61 of the laws of 2011, is amended to read as follows:

(a) Temporary seizure. Whenever a police officer designated in section 1.20 of the criminal procedure law or a peace officer designated in **paragraph (e) of** subdivision [~~**four**~~] **two** of section 2.10 of such law, acting pursuant to his special duties, shall discover any motor fuel or diesel motor fuel which is being imported for use, distribution, storage or sale in the state where the person importing or causing such motor fuel or diesel motor fuel to be imported is not registered as a distributor under section two hundred eighty-three or section two hundred eighty-two-a, of this chapter, as the case may be, such police officer or peace officer is hereby authorized to seize and take possession of such motor fuel or diesel motor fuel, together with the vehicle or other means of transportation used to transport such motor fuel.

§ 31. Section 47 of the workers' compensation law, as amended by chapter 597 of the laws of 2004, is amended to read as follows:

§ 47. Presumption as to the cause of disease. If the employee, at or immediately before the date of disablement, was employed in any process mentioned in the second column of the schedule of diseases in subdivision two of section three of this chapter, and his or her disease is the disease in the first column of such schedule set opposite the description of the process, the disease presumptively shall be deemed to have been due to the nature of that employment. Any exposure to the

hazards of compressed air after July first, nineteen hundred forty-six shall be presumed, in the absence of substantial evidence to the contrary, to be injurious exposure. Any exposure to the hazards of harmful dust in this state for a period of sixty days after September first, nineteen hundred thirty-five, shall be presumed, in the absence of substantial evidence to the contrary, to be an injurious exposure. With respect to any state or local correction officer as defined in **paragraph (c) of** subdivision [~~**twenty-five**~~] **one** of section 2.10 of the criminal procedure law, safety and security officer employed by the office of mental health, security hospital treatment assistant employed by the office of mental health, any uniformed court officer or court clerk of the unified court system having the powers of peace officer, the court reporter or the court interpreter, an exposure to the blood or bodily fluid of an individual, incarcerated, confined or otherwise, during the course of his or her employment that is reported in writing to such correction officer's, safety and security officer's, security hospital treatment assistant's, uniformed court officer's, court clerk's, court reporter's or court interpreter's employer within twenty-four hours of such exposure, shall be presumed, in the absence of substantial evidence to the contrary, to be an injurious exposure if, subsequent to such exposure, such correction officer, safety and security officer, security hospital treatment assistant, uniformed court officer, court clerk, court reporter or court interpreter is diagnosed with a blood-borne disease, including, but not limited to hepatitis C.

§ 32. This act shall take effect immediately.