

STATE OF NEW YORK

10146

IN ASSEMBLY

March 12, 2020

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

AN ACT to amend the mental hygiene law and the public health law, in relation to peace officer powers of safety officers

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

1 Section 1. Subdivision (a) of section 7.25 of the mental hygiene law,
2 as amended by chapter 476 of the laws of 2018, is amended to read as
3 follows:

4 (a) The commissioner and the directors of in-patient facilities in the
5 office of mental health [~~may~~] shall designate safety officers to act as
6 special police officers whose duty it shall be, under orders of the
7 appropriate officer, to preserve peace and good order in facilities of
8 such office and to fully protect the grounds, buildings, and patients.
9 Such safety officers [~~acting as special police officers~~] shall possess
10 all the powers of peace officers, as set forth in section 2.20 of the
11 criminal procedure law[~~, while performing duties in or arising out of~~
12 ~~the course of their employment~~]. Such peace officers when acting pursu-
13 ant to their special duties may issue and serve a simplified traffic
14 information and appearance ticket, in the form prescribed by the commis-
15 sioner of motor vehicles pursuant to section two hundred seven of the
16 vehicle and traffic law, upon a person when he or she has reasonable
17 cause to believe that such person has committed a traffic infraction in
18 his or her presence, and shall have the power to issue and serve an
19 appearance ticket as defined in section 150.10 of the criminal procedure
20 law for an offense other than a felony in lieu of an arrest.

21 § 2. Subdivision (a) of section 13.25 of the mental hygiene law, as
22 amended by chapter 476 of the laws of 2018, is amended to read as
23 follows:

24 (a) The commissioner and the directors of facilities under his or her
25 jurisdiction [~~may~~] shall designate safety officers to act as special
26 police officers whose duty it shall be, under orders of the appropriate
27 officer, to preserve peace and good order in such facilities and to
28 fully protect the grounds, buildings, and patients. Such safety officers

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

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1 [~~acting as special police officers~~] shall possess all the powers of
2 peace officers, as set forth in section 2.20 of the criminal procedure
3 law[~~, while performing duties in or arising out of the course of their~~
4 ~~employment~~]. Such peace officers when acting pursuant to their special
5 duties may issue and serve a simplified traffic information and appear-
6 ance ticket, in the form prescribed by the commissioner of motor vehi-
7 cles pursuant to section two hundred seven of the vehicle and traffic
8 law, upon a person when he or she has reasonable cause to believe that
9 such person has committed a traffic infraction in his or her presence,
10 and shall have the power to issue and serve an appearance ticket as
11 defined in section 150.10 of the criminal procedure law for an offense
12 other than a felony in lieu of an arrest.

13 § 3. Section 455 of the public health law, as amended by chapter 476
14 of the laws of 2018, is amended to read as follows:

15 § 455. Hospitals; special police officers; powers and duties. 1. The
16 director of each hospital in the department [~~may~~] shall designate
17 [~~attendants or other employees~~] safety officers to act as special police
18 officers whose duty it shall be under the orders of the director to
19 protect the grounds, buildings and patients of the hospital and to eject
20 therefrom disorderly persons. Such [~~attendants and employees, acting as~~
21 ~~special police officers,~~] safety officers shall possess all the powers
22 of peace officers, as set forth in section 2.20 of the criminal proce-
23 dure law[~~, on the grounds and premises~~].

24 2. The designation of such [~~attendants and employees~~] safety officers
25 as special police officers in pursuance hereof, shall not be deemed to
26 supersede, on the grounds and premises of such hospital, the authority
27 of peace or police officers of the jurisdiction within which such hospi-
28 tal is located.

29 § 4. This act shall take effect immediately.