

STATE OF NEW YORK

7255

2023-2024 Regular Sessions

IN SENATE

May 19, 2023

Introduced by Sen. CANZONERI-FITZPATRICK -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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 55 of chapter 476 of the laws of 2018, 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 or any member of a police force
6 of any county, city of less than one million population, town or
7 village, or of any district, agency, board, body or commission thereof,
8 or any LIRR police officer as defined in paragraph two of subdivision a
9 of section three hundred eighty-nine of the retirement and social secu-
10 rity law whose benefits are provided in and pursuant to such section
11 three hundred eighty-nine, or a detective-investigator or any other
12 investigator who is a police officer pursuant to the provisions of the
13 criminal procedure law employed in the office of a district attorney of
14 any county, or any corrections officer of the county of Erie department
15 of corrections, or an advanced ambulance medical technician employed by
16 the county of Nassau, or any detention officer employed by the city of
17 Yonkers, or any supervising fire inspector, fire inspector, fire
18 marshal, or assistant fire marshal employed full-time in the county of
19 Nassau fire marshal's office, or at the option of the county of Nassau,
20 any probation officer of the county of Nassau, or any director of bay
21 constables, assistant director of bay constables, bay constable II, or
22 bay constable employed by the department of conservation and waterways
23 in the town of Hempstead, county of Nassau, who is injured in the

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

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

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

35 § 2. Subdivision 1 of section 207-c of the general municipal law, as
36 amended by section 56 of chapter 476 of the laws of 2018, is amended to
37 read as follows:

38 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of
39 the sheriff's department of any county (hereinafter referred to as a
40 "police officer") or any member of a police force of any county, city of
41 less than one million population, town or village, or of any district,
42 agency, board, body or commission thereof, or a detective-investigator
43 or any other investigator who is a police officer pursuant to the
44 provisions of the criminal procedure law employed in the office of a
45 district attorney of any county, or any corrections officer of the coun-
46 ty of Erie department of corrections, or an advanced ambulance medical
47 technician employed by the county of Nassau, or any detention officer
48 employed by the city of Yonkers, or any supervising fire inspector, fire
49 inspector, fire marshal or assistant fire marshal employed full-time in
50 the county of Nassau fire marshal's office, or at the option of the
51 county of Nassau, any probation officer of the county of Nassau, or any
52 director of bay constables, assistant director of bay constables, bay
53 constable II, or bay constable employed by the department of conserva-
54 tion and waterways in the town of Hempstead, county of Nassau, who is
55 injured in the performance of his or her duties or who is taken sick as
56 a result of the performance of his or her duties so as to necessitate

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

25 Notwithstanding any provision of law to the contrary, a provider of
26 medical treatment or hospital care furnished pursuant to the provisions
27 of this section shall not collect or attempt to collect reimbursement
28 for such treatment or care from any such police officer, a member of a
29 police force of any county, city, any such advanced ambulance medical
30 technician, any such detention officer or any such detective-investiga-
31 tor or any other such investigator who is a police officer pursuant to
32 the provisions of the criminal procedure law.

33 § 3. This act shall take effect immediately; provided, however, that
34 the amendments to subdivision 1 of section 207-c of the general munici-
35 pal law made by section two of this act shall take effect on the same
36 date and in the same manner as chapter 628 of the laws of 1991, takes
37 effect.