STATE OF NEW YORK

11054

IN ASSEMBLY

April 24, 2026

Introduced by M. of A. BROOK-KRASNY, CHANG, NOVAKHOV -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the retirement and social security law, in relation to authorizing public transit agencies to hire former police officers as transit security marshals having peace officer status

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

Section 1. Section 2.10 of the criminal procedure law is amended by adding a new subdivision 88 to read as follows:

88. (a) Transit security marshals, while acting in the scope of their official duties and within facilities, conveyances, and geographic areas owned, operated, or controlled by the appointing public transit agency, or as otherwise specifically authorized by agreement with a law enforcement agency having jurisdiction; provided, however, that nothing in this subdivision shall be deemed to authorize any such transit security marshal to carry, possess, repair or dispose of a firearm unless:

(i) the appropriate license therefor has been issued pursuant to section 400.00 of the penal law;

(ii) such transit security marshal has been specifically authorized to do so by the appointing authority; and

(iii) such transit security marshal has successfully completed an approved firearms training and qualification program consistent with standards established by the division of criminal justice services, and such transit security marshal maintains periodic requalification as required by such standards.

(b) The appointing authority shall ensure that each transit security marshal:

(i) completes initial and ongoing training, including use of force, de-escalation, and legal authority;

(ii) meets medical and physical fitness standards established by the appointing authority in consultation with applicable law enforcement agencies; and

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

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(iii) remains in compliance with all applicable state and federal laws governing the exercise of peace officer authority.

(c) Nothing in this subdivision shall be construed to supersede or limit the jurisdiction of any other law enforcement agency.

(d) For the purposes of this subdivision, the following terms shall have the following meanings:

(i) "Transit security marshal" means a person who:

(1) is a former police officer;

(2) is appointed by a public transit agency in coordination with, or by, a law enforcement agency having jurisdiction;

(3) has satisfied the training requirements set forth in section 2.30 of this article for peace officers; and

(4) meets any applicable certification and qualification standards established pursuant to this subdivision.

(ii) "Public transit agency" means any public benefit corporation created pursuant to the public authorities law, or any state, regional, or local governmental entity, that operates or contracts for the operation of buses, trains, subways, commuter rail, or other mass transit services for the general public within New York state, including but not limited to the metropolitan transportation authority and its subsidiaries, regional transit commissions, and municipal transit operators.

(iii) "Former police officer" means a person who previously served as a police officer and who separated from such service in good standing, as determined by the appointing authority, and who is not currently serving as a police officer or peace officer.

§ 2. Subparagraphs 2, 4 and 5 of paragraph (b) of subdivision 2 of section 211 of the retirement and social security law, as amended by chapter 640 of the laws of 2008, are amended and a new subparagraph 6 is added to read as follows:

(2) that [~~he or she~~] such retired person will earn more than one thousand dollars in one year, including compensation earned in such position under other provisions of this article that there are not readily available for recruitment persons qualified to perform the duties of such position; [~~and (4)~~];]

(4) that [~~his or her~~] such retired person's employment is in the best interests of the government service; [~~and~~]

(5)(i) that there is an urgent need for [~~his or her~~] such retired person's services in such position as a result of an unplanned, unpredictable and unexpected vacancy where sufficient time is not available to recruit a qualified individual and that such hiring shall be deemed as non-permanent rather than a final filling of such position; or

(ii) that the prospective employer has undertaken extensive recruitment efforts to fill such vacancy and as a result thereof, has determined that there are no available non-retired persons qualified to perform the duties of such position[~~.~~]; and

(6) that in the case of a person employed as a transit security marshal, as defined by subdivision eighty-eight of section 2.10 of the criminal procedure law, the duties of such transit security marshal shall be limited to providing safety and security services within the scope authorized by subdivision eighty-eight of section 2.10 of the criminal procedure law.

§ 3. Section 212 of the retirement and social security law is amended by adding a new subdivision 4 to read as follows:

4. (a) Notwithstanding the provisions of subdivisions one and two of this section, the earnings limitations set forth therein shall not apply to a retired person who:

(i) previously served as a police officer as defined by subdivision thirty-four of section 1.20 of the criminal procedure law and separated from such service in good standing;

(ii) is employed as a transit security marshal, as defined by subdivision eighty-eight of section 2.10 of the criminal procedure law;

(iii) is determined, pursuant to objective standards established by the appointing authority, to be physically and mentally fit to perform the duties of such position; and

(iv) has completed all required training and certification applicable to such position.

(b) The exemption provided under this subdivision shall apply solely to employment in the title of transit security marshal under subdivision eighty-eight of section 2.10 of the criminal procedure law and shall not extend to any other position.

§ 4. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 5. This act shall take effect immediately.