

STATE OF NEW YORK

737

2009-2010 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 7, 2009

Introduced by M. of A. GUNTHER, COOK, DESTITO, ORTIZ, JOHN, SCHROEDER, WALKER, ALFANO, BARRA -- Multi-Sponsored by -- M. of A. CALHOUN, ERRIGO, JAFFEE, KOON, LUPARDO, MARKEY, McENENY, PEOPLES, PHEFFER, REILLY, SAYWARD, TOBACCO, TOWNSEND, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to certain persons designated as peace officers

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

Section 1. Subdivision 52 of section 2.10 of the criminal procedure law, as added by chapter 969 of the laws of 1983, is amended to read as follows:

52. Security hospital treatment assistants [~~as so designated by the commissioner of~~] in the office of mental health while [~~transporting persons convicted of a crime to court, to other facilities within the jurisdiction of the office of mental health, or to any state or local correctional facility~~] performing duties in or arising out of the course of their employment; provided, however, that nothing in this subdivision shall be deemed to authorize such employee 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.

§ 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

LBD02296-01-9

S.H.T.A  
PEACE OFFICER  
LEGISLATION

NYSCOPBA LEGISLATIVE  
DEPARTMENT

BILL NUMBER: A737

SPONSOR: Gunther (MS)

TITLE OF BILL: An act to amend the criminal procedure law, in relation to certain persons designated as peace officers

PURPOSE OR GENERAL IDEA OF BILL: To designate security hospital treatment assistants as peace officers.

SUMMARY OF SPECIFIC PROVISIONS: Section one amends subdivision 52 of Section 2.10 of the criminal procedure law to designate security hospital treatment assistants as peace officers while performing duties in or arising out of the course of their employment. An appropriate license must still be issued pursuant to section 400.00 of the penal law for such person to carry, possess, repair or dispose of a firearm.

Section two states the effective date.

JUSTIFICATION: Currently, section 7.25 of the mental hygiene law specifies that the commissioner and the directors of the in-patient facilities in the office of mental health may designate safety officers to act as special policemen whose duty is to preserve peace and good order in these facilities. These designated officers acting as special policemen possess all the powers of peace officers.

SHTAs, as front line staff members in the mental health system, deal with the criminally insane on a day-to-day basis. This legislation would designate security hospital treatment assistants as peace officers and insure that the front line staff is guaranteed a safe and secure working environment with training appropriate to the clientele and nature of the job.

LEGISLATIVE HISTORY:

2007-2008: A6070 died in Codes/ S8402 passed Senate A.1685 - 2005 - Vetoed No.9

A.11140 - 06/21/04 - Referred to Rules.

2001-02 - A.6153 - Died in Codes Committee

99-2000 A.1068/S.739 Died in Rules

A.6527A/S.3741A of 1997-1998 Died in Mental Health Committee

FISCAL IMPLICATIONS:

None to the state.

EFFECTIVE DATE: This act shall take effect on the first of November next succeeding the date on which it shall have become a law.