BILL ANALYSIS

BACKGROUND AND PURPOSE

Interested parties contend that provisions relating to the powers and duties of peace officers should be updated to give peace officers more discretion in taking actions to prevent or suppress crime or to make an arrest without warrant. The parties assert these changes could foster the relationships needed for effective local community policing programs, particularly relating to youth, people with abuse disorders, and people in need of mental health services. H.B. 3824 seeks to provide for such an update.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3824 amends the Code of Criminal Procedure to replace the requirement for a peace officer to interfere without warrant to prevent or suppress crime in every case authorized by the Code of Criminal Procedure with an authorization for the officer to so interfere, if authorized, and to replace the requirement for a peace officer to arrest offenders without warrant in every case where the officer is authorized by law in order that they may be taken before the proper magistrate or court and be tried with the authorization for the officer to make such arrests, if authorized. The bill changes from good reason to probable cause the burden of proof giving rise to a peace officer's duty to give notice to some magistrate of all offenses committed within the officer's jurisdiction if the officer believes there has been a violation of the penal law.

EFFECTIVE DATE

September 1, 2017.