

EXECUTIVE ORDERS

Executive Order No. 34: Declaring an Emergency in Order to Allow New Jersey Police Officers to Provide Enhanced Security on Passenger Ferries between New York and New Jersey in Order to Better Protect Passengers from any Terrorist or other Threat.

WHEREAS, terrorists have used explosive and other devices to attack public and private transportation conveyances at various times; and

WHEREAS, thousands of commuters travel between the states of New York and New Jersey via passenger ferries and an enhanced law enforcement presence on these ferries is appropriate to protect public safety; and

WHEREAS, the New Jersey State and local police, when riding a commuter ferry between New Jersey and New York, do not have law enforcement authority once the ferry crosses the jurisdictional boundary between New Jersey and New York; and

WHEREAS, the provisions of the Interstate Civil Defense and Disaster Compact permit the States of New Jersey and New York to extend the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services; and

WHEREAS, the Constitution and statutes of the State of New York, particularly the provisions of the Interstate Civil Defense and Disaster Compact, including Articles III and XV thereof, and all amendments and supplements thereto, confer upon the Governor of the State of New York certain powers; and

WHEREAS, the Governor is empowered to request aid pursuant to the Interstate Civil Defense and Disaster Compact, and to grant powers of arrest and other powers to law enforcement officers from other States; and

WHEREAS, in prior instances, the State of New York has authorized law enforcement powers to New Jersey State and local police in the State of New York in furtherance of mutual public safety goals and interests;

NOW, THEREFORE, I, DAVID A. PATERSON, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, and pursuant to Sections 28 and 29-g of Article 2-B of the Executive Law, do hereby declare a state of emergency concerning, and in order to protect, the safety of ferry passengers between New York and New Jersey;

FURTHER, in order to facilitate security on the ferries between the State of New Jersey and the State of New York, it is requested that New Jersey make its law enforcement officers available to provide enhanced security on the ferries traveling between New Jersey and New York, and such officers are hereby granted all law enforcement powers while providing enhanced security on the ferries while in New York and its territorial waters and in the customary points of immediate embarkation and debarkation for such ferries that are in the State of New York, including the power of arrest. This Declaration is not intended to alter or amend any compacts, policies, legal authorizations or opinions regarding law enforcement powers during hot pursuit;

FURTHER, this Order shall take effect immediately and shall remain in effect until January 10, 2010.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this thirtieth day of December in the year two thousand nine.

BY THE GOVERNOR

/S/ David A. Paterson

/s/ Lawrence Schwartz

Secretary to the Governor

Executive Order No. 34.1: Declaring an Emergency in Order to Allow New Jersey Police Officers to Provide Enhanced Security on Passenger Ferries Between New York and New Jersey in Order to Better Protect Passengers From any Terrorist or Other Threat.

WHEREAS, terrorists have used explosive and other devices to attack public and private transportation conveyances at various times; and

WHEREAS, thousands of commuters travel between the states of New York and New Jersey via passenger ferries and an enhanced law enforcement presence on these ferries is appropriate to protect public safety; and

WHEREAS, the New Jersey State and local police, when riding a commuter ferry between New Jersey and New York, do not have law enforcement authority once the ferry crosses the jurisdictional boundary between New Jersey and New York; and

WHEREAS, the provisions of the Interstate Civil Defense and Disaster Compact permit the States of New Jersey and New York to extend the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights and privileges as are afforded forces of the state in which they are performing emergency services; and

WHEREAS, the Constitution and statutes of the State of New York, particularly the provisions of the Interstate Civil Defense and Disaster Compact, including Articles III and XV thereof, and all amendments and supplements thereto, confer upon the Governor of the State of New York certain powers; and

WHEREAS, the Governor is empowered to request aid pursuant to the Interstate Civil Defense and Disaster Compact, and to grant power of arrest and other powers to law enforcement officers from other States; and

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NOW, THEREFORE, I, DAVID A. PATERSON, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, and pursuant to Section 28 and 29-g of Article 2-B of the Executive Law, do hereby declare a state of emergency concerning, and in order to protect, the safety of ferry passengers between New York and New Jersey;

FURTHER, in order to facilitate security on the ferries between the State of New Jersey and the State of New York, it is requested that New Jersey make its law enforcement officers available to provide enhanced security on the ferries traveling between New Jersey and

New York, and such officers are hereby granted all law enforcement powers while providing enhanced security on the ferries while in New York and its territorial waters and in the customary points of immediate embarkation and debarkation for such ferries that are in the State of New York, including the power of arrest. This Declaration is not intended to alter or amend any compacts, policies, legal authorizations or opinions regarding law enforcement powers during hot pursuit;

FURTHER, this Order supplants Executive Order 34, which is hereby revoked. This Order shall take effect immediately and shall remain in effect until January 2, 2010.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, this thirty first day of December in the year two thousand nine.

BY THE GOVERNOR

/S/ David A. Paterson

/s/ Lawrence Schwartz

Secretary to the Governor