S T A T E O F N E W Y O R K

4931--B

2011-2012 Regular Sessions

I N S E N A T E

May 2, 2011

Introduced by Sens. BONACIC, LIBOUS, MARTINS, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged and said bill committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the town law, the village law and the not-for-profit corporation law, in relation to qualifications to serve as a volunteer firefighter

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 16 of section 176-b of the town law, as added by chapter 719 of the laws of 1985, is amended to read as follows:

16. A person who has been convicted of arson in any degree OR A VIOLATION THAT REQUIRES REGISTRATION UNDER THE SEX OFFENDER REGISTRATION ACT AS ESTABLISHED BY ARTICLE SIX-C OF THE CORRECTION LAW, shall not be eligible to be elected or appointed as a volunteer member of a fire company. The membership of any volunteer member of a fire company shall immediately terminate if he is convicted of arson in any degree OR A VIOLATION THAT REQUIRES REGISTRATION UNDER THE SEX OFFENDER REGISTRATION ACT AS ESTABLISHED BY ARTICLE SIX-C OF THE CORRECTION LAW while a member of a fire company.

S 2. Subdivision 17 of section 176-b of the town law, as added by chapter 423 of the laws of 1999, is amended to read as follows:

17. Upon application by any person for membership in a fire company operating pursuant to this section, the fire chief shall cause the applicant's background to be checked pursuant to section eight hundred thirty-seven-o of the executive law for a criminal history involving a

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

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conviction for arson AND SEARCH THE INTERNET SUBDIRECTORY MANDATED UNDER ARTICLE SIX-C OF THE CORRECTION LAW FOR A CRIMINAL HISTORY INVOLVING CONVICTION FOR A VIOLATION THAT REQUIRES REGISTRATION UNDER SUCH ARTICLE.

S 3. Subdivision 18 of section 10-1006 of the village law, as added by chapter 719 of the laws of 1985, is amended to read as follows:

18. A person who has been convicted of arson in any degree OR A VIOLATION THAT REQUIRES REGISTRATION UNDER THE SEX OFFENDER REGISTRATION ACT AS ESTABLISHED BY ARTICLE SIX-C OF THE CORRECTION LAW, shall not be eligible to be elected or appointed as a volunteer member of a fire company. The membership of any volunteer member of a fire company shall immediately terminate if he is convicted of arson in any degree OR A VIOLATION THAT REQUIRES REGISTRATION UNDER THE SEX OFFENDER REGISTRATION ACT AS ESTABLISHED BY ARTICLE SIX-C OF THE CORRECTION LAW while a member of a fire company.

S 4. Subdivision 19 of section 10-1006 of the village law, as added by chapter 423 of the laws of 1999, is amended to read as follows:

19. Upon application by any person for membership in a fire company operating pursuant to this section, the fire chief shall cause the applicant's background to be checked pursuant to section eight hundred thirty-seven-o of the executive law for a criminal history involving a conviction for arson AND SEARCH THE INTERNET SUBDIRECTORY MANDATED UNDER ARTICLE SIX-C OF THE CORRECTION LAW FOR A CRIMINAL HISTORY INVOLVING CONVICTION FOR A VIOLATION THAT REQUIRES REGISTRATION UNDER SUCH ARTICLE.

S 5. Subparagraph 4 of paragraph (c) of section 1402 of the not-for-profit corporation law, as added by chapter 719 of the laws of 1985, is amended to read as follows:

(4) A person who has been convicted of arson in any degree OR A VIOLATION THAT REQUIRES REGISTRATION UNDER THE SEX OFFENDER REGISTRATION ACT AS ESTABLISHED BY ARTICLE SIX-C OF THE CORRECTION LAW, shall not be eligible to be named in the certificate of incorporation of a fire corporation, or to be elected or appointed as a volunteer member of a fire corporation. The membership of any volunteer member of a fire corporation shall immediately terminate if he OR SHE is convicted of arson in any degree OR A VIOLATION THAT REQUIRES REGISTRATION UNDER THE SEX OFFENDER REGISTRATION ACT AS ESTABLISHED BY ARTICLE SIX-C OF THE CORRECTION LAW while a member of a fire corporation.

S 6. Subparagraph 5 of paragraph (c) of section 1402 of the not-for-profit corporation law, as added by chapter 423 of the laws of 1999, is amended to read as follows:

(5) Upon application by any person for membership in a fire corporation operating pursuant to this section, the fire chief shall cause the applicant's background to be checked pursuant to section eight hundred thirty-seven-o of the executive law for a criminal history involving a conviction for arson AND SEARCH THE INTERNET SUBDIRECTORY MANDATED UNDER ARTICLE SIX-C OF THE CORRECTION LAW FOR A CRIMINAL HISTORY INVOLVING CONVICTION FOR A VIOLATION THAT REQUIRES REGISTRATION UNDER SUCH ARTICLE.

S 7. This act shall take effect immediately.