

# STATE OF NEW YORK

5417

2021-2022 Regular Sessions

## IN ASSEMBLY

February 16, 2021

Introduced by M. of A. O'DONNELL -- read once and referred to the  
Committee on Governmental Operations

AN ACT to amend the executive law and the criminal procedure law, in  
relation to enacting the "police and peace officer licensing act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "police and peace officer licensing act".

3 § 2. Section 840 of the executive law is amended by adding two new  
4 subdivisions 7 and 8 to read as follows:

5 7. The council shall, in addition:

6 (a) Establish and implement a mandatory licensing program for all  
7 current and new police officers and peace officers in the state.

8 (b) All current and new police officers and peace officers in the  
9 state shall be licensed pursuant to this subdivision by January first,  
10 two thousand twenty-three.

11 (c) Every license issued pursuant to this subdivision shall remain in  
12 effect, unless revoked or suspended, for a period of five years and  
13 shall be renewed, in a manner established by the council, in order to  
14 continue employment as a police officer or peace officer in the state.

15 (d) Promulgate rules and regulations with respect to the establishment  
16 and implementation on an ongoing basis of a continuing education program  
17 for all current and new police officers regarding the policies and  
18 procedures established pursuant to this subdivision, along with proce-  
19 dures and policies for periodic retraining of police officers.

20 8. The council shall, in addition:

21 (a) Develop, maintain and disseminate a continuing education program  
22 for all current and new police officers and peace officers in the state.

23 (b) Such continuing education program shall include license renewal  
24 requirements, pursuant to paragraph (c) of subdivision seven of this

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

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1 section, including the sensitivity and de-escalation training pursuant  
2 to paragraph (h) of subdivision one of this section.

3 (c) Promulgate rules and regulations with respect to the establishment  
4 and implementation on an ongoing basis of a continuing education program  
5 for all current and new police officers regarding the policies and  
6 procedures established pursuant to this subdivision, along with proce-  
7 dures and policies for periodic retraining of police officers.

8 § 3. The executive law is amended by adding a new section 841-e to  
9 read as follows:

10 § 841-e. Independent police and peace officer licensing review board.  
11 1. There is hereby created within the division an independent police and  
12 peace officer licensing review board composed of seven members, who  
13 shall be selected as follows:

14 (a) three shall be appointed by the governor;

15 (b) one shall be appointed by the temporary president of the senate;

16 (c) one shall be appointed by the speaker of the assembly; and

17 (d) two shall be appointed by the attorney general.

18 2. The governor shall designate from among the members of the council  
19 a chairman who shall serve during the pleasure of the governor.

20 3. All members of the council shall be appointed for terms of two  
21 years, such terms to commence on April first, and expire on March thir-  
22 ty-first. Any member chosen to fill a vacancy created otherwise than by  
23 expiration of term shall be appointed for the unexpired term of the  
24 member whom he is to succeed. Vacancies caused by expiration of a term  
25 or otherwise shall be filled in the same manner as original appoint-  
26 ments. Any member may be reappointed for only one additional term.

27 4. The review board shall be permitted to review individual cases  
28 pertaining to police and peace officers. In response, the review board  
29 may do the following:

30 (a) Issue licensing penalties for professional misconduct pursuant to  
31 section sixty-five hundred eleven of the education law;

32 (b) Revoke and/or suspend licenses issued by the municipal police  
33 training council;

34 (c) Issue fines;

35 (d) Require such police or peace officer to undergo therapy or treat-  
36 ment; and/or

37 (e) Require such police or peace officer to fulfill additional contin-  
38 uing education courses if the board finds that such officer has commit-  
39 ted professional misconduct.

40 5. The review board shall promulgate, and may from time to time amend,  
41 rules and regulations with respect to defining professional misconduct.  
42 Such definition shall include excessive force and abuse of power and may  
43 include all other acts the review board deems to qualify as professional  
44 misconduct.

45 6. The review board shall have the power to issue subpoenas and hire  
46 an executive director and investigators to further investigate allega-  
47 tions of professional misconduct.

48 § 4. The opening paragraph of subdivision 34 of section 1.20 of the  
49 criminal procedure law is amended to read as follows:

50 The following persons, who are licensed in good standing, as of Janu-  
51 ary first, two thousand twenty-three, by the municipal police training  
52 council pursuant to subdivision seven of section eight hundred forty of  
53 the executive law, are police officers:

54 § 5. The opening paragraph of section 2.10 of the criminal procedure  
55 law, as added by chapter 843 of the laws of 1980, is amended to read as  
56 follows:

1 Notwithstanding the provisions of any general, special or local law or  
2 charter to the contrary, only the following persons, who are licensed in  
3 good standing, as of January first, two thousand twenty-three, by the  
4 municipal police training council pursuant to subdivision seven of  
5 section eight hundred forty of the executive law, shall have the powers  
6 of, and shall be peace officers:

7 § 6. Paragraph (h) of subdivision 1 of section 840 of the executive  
8 law, as amended by section 103 of subpart B of part C of chapter 62 of  
9 the laws of 2011, is amended to read as follows:

10 (h) [~~Exemptions from particular provisions of this article in the case~~  
11 ~~of any city having a population of one million or more, or in the case~~  
12 ~~of the state department of corrections and community supervision if in~~  
13 ~~its opinion the standards of police officer or peace officer training~~  
14 ~~established and maintained by such city or department are higher than~~  
15 ~~those established pursuant to this article; or revocation in whole or in~~  
16 ~~part of such exemption, if in its opinion the standards of police offi-~~  
17 ~~cer or peace officer training established and maintained by such city or~~  
18 ~~department are lower than those established pursuant to this article]~~  
19 Establishment and implementation on an ongoing basis, of a training  
20 program for all new police officers and peace officers hired on and  
21 after January first, two thousand twenty-three, regarding sensitivity  
22 and de-escalation training.

23 § 7. This act shall take effect on the ninetieth day after it shall  
24 have become a law. Effective immediately, the addition, amendment  
25 and/or repeal of any rule or regulation necessary for the implementation  
26 of this act on its effective date are authorized to be made and  
27 completed on or before such effective date.