

1054

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, SEMINERIO -- Multi-Sponsored by -- M. of
A. COLTON -- read once and referred to the Committee on Governmental
Operations

AN ACT to amend the executive law, in relation to rules and regulations
promulgated by the superintendent relating to disciplinary proceedings

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

1 Section 1. Subdivision 3 of section 215 of the executive law, as
2 amended by chapter 478 of the laws of 2004, is amended to read as
3 follows:
4 3. The sworn members of the New York state police shall be appointed
5 by the superintendent and permanent appointees may be removed by the
6 superintendent only after a hearing. No person shall be appointed to the
7 New York state police force as a sworn member unless he or she shall be
8 a citizen of the United States, between the ages of twenty-one and twen-
9 ty-nine years except that in the superintendent's discretion, the maxi-
10 mum age may be extended to thirty-five years. Notwithstanding any other
11 provision of law or any general or special law to the contrary the time
12 spent on military duty, not exceeding a total of six years, shall be
13 subtracted from the age of any applicant who has passed his or her twen-
14 ty-ninth birthday, solely for the purpose of permitting qualification as
15 to age and for no other purpose. Such limitations as to age however
16 shall not apply to persons appointed to the positions of counsel, first
17 assistant counsel, assistant counsel, and assistant deputy superinten-
18 dent for employee relations nor to any person appointed to the bureau of
19 criminal investigation pursuant to section two hundred sixteen of this
20 article nor shall any person be appointed unless he or she has fitness
21 and good moral character and shall have passed a physical and mental
22 examination based upon standards provided by the rules and regulations
23 of the superintendent. Appointments shall be made for a probationary

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

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1 period which, in the case of appointees required to attend and complete
2 a basic training program at the state police academy, shall include such
3 time spent attending the basic school and terminate one year after
4 successful completion thereof. All other sworn members shall be subject
5 to a probationary period of one year from the date of appointment.
6 Following satisfactory completion of the probationary period the member
7 shall be a permanent appointee. Voluntary resignation or withdrawal from
8 the New York state police during such appointment shall be submitted to
9 the superintendent for approval. Reasonable time shall be required to
10 account for all equipment issued or for debts or obligations to the
11 state to be satisfied. Resignation or withdrawal from the division
12 during a time of emergency, so declared by the governor, shall not be
13 approved if contrary to the best interest of the state and shall be a
14 misdemeanor. No sworn member removed from the New York state police
15 shall be eligible for reappointment. The superintendent shall make rules
16 and regulations subject to approval by the governor for the discipline
17 and control of the New York state police and for the examination and
18 qualifications of applicants for appointment as members thereto and such
19 examinations shall be held and conducted by the superintendent subject
20 to such rules and regulations. ANY SUCH RULE OR REGULATION RELATING TO
21 THE FORMAL DISCIPLINARY HEARING OF A MEMBER OF THE STATE POLICE WHICH
22 PROVIDES FOR DESIGNATION OF OFFICERS BY THE SUPERINTENDENT TO A HEARING
23 BOARD SHALL REQUIRE AN EQUAL NUMBER OF REPRESENTATIVES TO BE NAMED BY
24 THE SUPERINTENDENT AND CERTIFIED OR RECOGNIZED EMPLOYEE REPRESENTATIVE
25 ORGANIZATION OF THE ACCUSED MEMBER. AN ADDITIONAL NEUTRAL PARTY, WHO
26 SHALL NOT BE A MEMBER OR OFFICER OF THE DIVISION OF STATE POLICE, SHALL
27 SIT ON SUCH HEARING BOARD AND SHALL SERVE AS HEARING OFFICER. SUCH ADDI-
28 TIONAL MEMBER SHALL BE CHOSEN JOINTLY BY THE SUPERINTENDENT AND CERTI-
29 FIED OR RECOGNIZED EMPLOYEE REPRESENTATIVE ORGANIZATION OF THE ACCUSED
30 MEMBER IN A MANNER AGREED UPON BY THE SUPERINTENDENT AND CERTIFIED OR
31 RECOGNIZED EMPLOYEE REPRESENTATIVE ORGANIZATION OF THE ACCUSED MEMBER.
32 The superintendent is authorized to charge a fee of twenty dollars as an
33 application fee for any person applying to take a competitive examina-
34 tion for the position of trooper, and a fee of five dollars for any
35 competitive examination for a civilian position. The superintendent
36 shall promulgate regulations subject to the approval of the director of
37 the budget, to provide for a waiver of the application fee when the fee
38 would cause an unreasonable hardship on the applicant and to establish a
39 fee schedule and charge fees for the use of state police facilities.

40 S 2. This act shall take effect immediately.