

3462

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY -- Multi-Sponsored by -- M. of A. AUBRY,
ESPAILLAT, GREENE, JACOBS, SCARBOROUGH, TOWNS -- read once and
referred to the Committee on Governmental Employees

AN ACT to amend chapter 753 of the laws of 1990 amending the civil
service law, relating to suspension of police officers pending deter-
mination of charges and to amend the civil service law, in relation to
suspension of New York city police officers without pay pending deter-
mination of charges

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

1 Section 1. Section 1 of chapter 753 of the laws of 1990 amending the
2 civil service law, relating to suspension of police officers pending
3 determination of charges, is amended to read as follows:
4 Section 1. Notwithstanding any other provision of law to the contrary,
5 police officers as defined in paragraph (d) of subdivision 34 of section
6 1.20 of the criminal procedure law and as designated members of the
7 police department of the city of New York pursuant to section 431 of the
8 New York city charter, pending the determination of charges of incompe-
9 tency or misconduct may not be suspended for a period exceeding thirty
10 days; PROVIDED, HOWEVER, THAT ANY SUCH POLICE OFFICER WHO HAS BEEN
11 CHARGED AND INDICTED FOR A CRIME RESULTING IN DEATH OR INJURY TO A
12 PERSON AS DEFINED IN SECTION 10.00 OF THE PENAL LAW MAY BE SUSPENDED FOR
13 AN INDEFINITE PERIOD PENDING THE DETERMINATION OF THE CRIMINAL INDICT-
14 MENT AND OTHER DEPARTMENTAL CHARGES OF INCOMPETENCY OR MISCONDUCT.
15 S 2. Subdivision 3-a of section 75 of the civil service law, as added
16 by chapter 753 of the laws of 1990, is amended to read as follows:
17 3-a. Suspension pending determination of charges and penalties relat-
18 ing to police officers of the police department of the city of New York.
19 Pending the hearing and determination of charges of incompetency or
20 misconduct, a police officer employed by the police department of the
21 city of New York may be suspended without pay for a period not exceeding

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

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1 thirty days; PROVIDED THAT SUCH OFFICER MAY BE SUSPENDED WITHOUT PAY FOR
2 AN INDEFINITE PERIOD PENDING THE DETERMINATION OF A CHARGE OF INCOMPE-
3 TENCY OR MISCONDUCT RESULTING IN DEATH OR SERIOUS PHYSICAL INJURY AS
4 DEFINED IN SECTION 10.00 OF THE PENAL LAW. If such officer is found
5 guilty of the charges, the police commissioner of such department may
6 punish the police officer pursuant to the provisions of sections 14-115
7 and 14-123 of the administrative code of the city of New York.

8 S 3. If any item, clause, sentence, subparagraph, subdivision, section
9 or other part of this act, or the application thereof to any person or
10 circumstances shall be held to be invalid, such holding shall not
11 affect, impair or invalidate the remainder of this act, or the applica-
12 tion of such section or part of a section held invalid, to any other
13 person or circumstances, but shall be confined in its operation to the
14 item, clause, sentence, subparagraph, subdivision, section or other part
15 of this act directly involved in such holding, or to the person and
16 circumstances therein involved.

17 S 4. This act shall take effect immediately and shall apply to cases
18 pending or arising on or after such effective date.