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

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 determination of charges and to amend the civil service law, in relation to suspension of New York city police officers without pay pending determination of charges

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

Section 1. Section 1 of chapter 753 of the laws of 1990 amending the civil service law, relating to suspension of police officers pending determination of charges, is amended to read as follows:

Section 1. Notwithstanding any other provision of law to the contrary, police officers as defined in paragraph (d) of subdivision 34 of section 1.20 of the criminal procedure law and as designated members of the police department of the city of New York pursuant to section 431 of the New York city charter, pending the determination of charges of incompetency or misconduct may not be suspended for a period exceeding thirty days; PROVIDED, HOWEVER, THAT ANY SUCH POLICE OFFICER WHO HAS BEEN CHARGED AND INDICTED FOR A CRIME RESULTING IN DEATH OR INJURY TO A PERSON AS DEFINED IN SECTION 10.00 OF THE PENAL LAW MAY BE SUSPENDED FOR AN INDEFINITE PERIOD PENDING THE DETERMINATION OF THE CRIMINAL INDICTMENT AND OTHER DEPARTMENTAL CHARGES OF INCOMPETENCY OR MISCONDUCT.

S 2. Subdivision 3-a of section 75 of the civil service law, as added by chapter 753 of the laws of 1990, is amended to read as follows:

3-a. Suspension pending determination of charges and penalties relating to police officers of the police department of the city of New York. Pending the hearing and determination of charges of incompetency or misconduct, a police officer employed by the police department of the 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.

LBD02114-01-9

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

S 3. If any item, clause, sentence, subparagraph, subdivision, section or other part of this act, or the application thereof to any person or circumstances shall be held to be invalid, such holding shall not affect, impair or invalidate the remainder of this act, or the application of such section or part of a section held invalid, to any other person or circumstances, but shall be confined in its operation to the item, clause, sentence, subparagraph, subdivision, section or other part of this act directly involved in such holding, or to the person and circumstances therein involved.

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