

7516

2009-2010 Regular Sessions

I N   A S S E M B L Y

April 14, 2009

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

AN ACT to amend the executive law, in relation to the maximum age of a member of the New York state police

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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  
9 [twenty-nine] THIRTY-FIVE years except that in the superintendent's  
10 discretion, the maximum age may be extended to [thirty-five] FORTY  
11 years. Notwithstanding any other provision of law or any general or  
12 special law to the contrary the time spent on military duty, not exceeding  
13 a total of [six] FIVE years, shall be subtracted from the age of any  
14 applicant who has passed his or her [twenty-ninth] THIRTY-FIFTH birth-  
15 day, solely for the purpose of permitting qualification as to age and  
16 for no other purpose. Such limitations as to age however shall not apply  
17 to persons appointed to the positions of counsel, first assistant counsel,  
18 assistant counsel, and assistant deputy superintendent for employee  
19 relations nor to any person appointed to the bureau of criminal investigation  
20 pursuant to section two hundred sixteen of this article nor shall  
21 any person be appointed unless he or she has fitness and good moral  
22 character and shall have passed a physical and mental examination based  
23 upon standards provided by the rules and regulations of the superintendent.  
24 Appointments shall be made for a probationary period which, in the  
25 case of appointees required to attend and complete a basic training

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

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1 program at the state police academy, shall include such time spent  
2 attending the basic school and terminate one year after successful  
3 completion thereof. All other sworn members shall be subject to a proba-  
4 tionary period of one year from the date of appointment. Following  
5 satisfactory completion of the probationary period the member shall be a  
6 permanent appointee. Voluntary resignation or withdrawal from the New  
7 York state police during such appointment shall be submitted to the  
8 superintendent for approval. Reasonable time shall be required to  
9 account for all equipment issued or for debts or obligations to the  
10 state to be satisfied. Resignation or withdrawal from the division  
11 during a time of emergency, so declared by the governor, shall not be  
12 approved if contrary to the best interest of the state and shall be a  
13 misdemeanor. No sworn member removed from the New York state police  
14 shall be eligible for reappointment. The superintendent shall make rules  
15 and regulations subject to approval by the governor for the discipline  
16 and control of the New York state police and for the examination and  
17 qualifications of applicants for appointment as members thereto and such  
18 examinations shall be held and conducted by the superintendent subject  
19 to such rules and regulations. The superintendent is authorized to  
20 charge a fee of twenty dollars as an application fee for any person  
21 applying to take a competitive examination for the position of trooper,  
22 and a fee of five dollars for any competitive examination for a civilian  
23 position. The superintendent shall promulgate regulations subject to the  
24 approval of the director of the budget, to provide for a waiver of the  
25 application fee when the fee would cause an unreasonable hardship on the  
26 applicant and to establish a fee schedule and charge fees for the use of  
27 state police facilities.

28 S 2. This act shall take effect immediately.