

7453

I N S E N A T E

April 12, 2010

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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 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 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  
24 period which, in the case of appointees required to attend and complete  
25 a basic training program at the state police academy, shall include such  
26 time spent attending the basic school and terminate one year after  
27 successful completion thereof. All other sworn members shall be subject  
28 to a probationary period of one year from the date of appointment.

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

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