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

11394

I N A S S E M B L Y

June 9, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Abbate) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to the residence of peace officers employed as fire protection inspectors, urban park rangers and traffic enforcement agents level IV by a city with a population over one million

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

Section 1. Section 3-b of the public officers law, as amended by chapter 448 of the laws of 1992, is amended to read as follows:

S 3-b. Special peace officers to be citizens. 1. No sheriff of a county, mayor of a city, or official, or other persons authorized by law to appoint special deputy sheriffs, special constables, marshals, police officers, or peace officers in this state, to preserve the public peace or quell public disturbance, shall hereafter, at the instance of any agent, society, association or corporation, or otherwise, appoint as such special deputy, special constable, marshal, police officer, or peace officer, any person who shall not be a citizen of the United States and a resident of the state of New York, and entitled to vote therein at the time of his appointment, and a resident of the same county as the mayor or sheriff or other official making such appointment; provided, however, that when, in the judgment of a sheriff of a county except those counties within the city of New York a situation exists which requires temporary additional assistance, such sheriff may appoint special deputy sheriffs who are non-residents of the county but residents of the state of New York who shall hold office until such time as the appointing sheriff determines that the situation no longer exists; and no person shall assume or exercise the functions, powers, duties or privileges incident and belonging to the office of special deputy sheriff, special constables, marshal, police officer, or peace officer, without having first received his appointment in writing from the authority lawfully appointing him. Nothing herein contained, however, shall apply to the appointment of a non-resident, as an emergency special deputy sheriff, by the sheriff of any county to act when such

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

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sheriff has declared a state of special emergency pursuant to the provisions of section two hundred nine-f of the general municipal law. Any person otherwise qualified who resides in either the county of Nassau or the county of Suffolk may at the instance of a society for the prevention of cruelty to animals be appointed as a peace officer by the appropriate appointing official of either of such counties notwithstanding that such appointee does not reside in the same county as the appointing official.

2. NEITHER THE PROVISIONS OF THIS SECTION OR OF ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER, CODE, ORDINANCE, RESOLUTION, RULE OR REGULATION, REQUIRING A PERSON TO BE A RESIDENT OF THE POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION OF THE STATE BY WHICH HE OR SHE IS EMPLOYED, SHALL APPLY TO A PERSON EMPLOYED BY A CITY WITH A POPULATION OVER ONE MILLION IN THE TITLES OF FIRE PROTECTION INSPECTOR, ASSOCIATE FIRE PROTECTION INSPECTOR, OR SUPERVISING FIRE PROTECTION INSPECTOR, PROVIDED THAT HE OR SHE HAS COMPLETED TWO YEARS OF EMPLOYMENT WITH THE CITY OF NEW YORK AND IS A RESIDENT OF NEW YORK, KINGS, QUEENS, BRONX, RICHMOND, NASSAU, WESTCHESTER, SUFFOLK, ORANGE, ROCKLAND OR PUTNAM COUNTY.

3. NEITHER THE PROVISIONS OF THIS SECTION OR OF ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER, CODE, ORDINANCE, RESOLUTION, RULE OR REGULATION, REQUIRING A PERSON TO BE A RESIDENT OF THE POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION OF THE STATE BY WHICH HE OR SHE IS EMPLOYED, SHALL APPLY TO A PERSON EMPLOYED BY A CITY WITH A POPULATION OVER ONE MILLION IN THE TITLES OF URBAN PARK RANGER OR TRAFFIC ENFORCEMENT AGENT LEVEL IV, PROVIDED THAT HE OR SHE HAS COMPLETED TWO YEARS OF EMPLOYMENT WITH THE CITY OF NEW YORK AND IS A RESIDENT OF NEW YORK, KINGS, QUEENS, BRONX, RICHMOND, NASSAU, WESTCHESTER, SUFFOLK, ORANGE, ROCKLAND OR PUTNAM COUNTY.

A violation of the provisions of this section is a misdemeanor.

S 2. This act shall take effect immediately.