

3557

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. BENJAMIN, GOTTFRIED, GREENE, JACOBS, V. LOPEZ, MAYERSOHN, ORTIZ, J. RIVERA, N. RIVERA, WRIGHT -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the general municipal law, in relation to authorizing the removal of citizenship requirements from police and firefighters by local law; and to amend the public officers law, in relation to citizenship requirements

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

1 Section 1. The general municipal law is amended by adding a new
2 section 209-ff to read as follows:

3 S 209-FF. CITIZENSHIP REQUIREMENTS OF POLICE AND FIREFIGHTERS.
4 NOTWITHSTANDING ANY GENERAL, SPECIAL OR LOCAL LAW OR ADMINISTRATIVE CODE
5 TO THE CONTRARY, THE LOCAL GOVERNING BODIES OF THE SEVERAL CITIES,
6 TOWNS, VILLAGES, POLICE AND FIRE DISTRICTS OF THE STATE ARE HEREBY
7 AUTHORIZED TO REMOVE, BY LOCAL LAW, RULE OR ORDINANCE, ANY CITIZENSHIP
8 REQUIREMENTS FROM THE QUALIFICATIONS OF POLICE OFFICERS AND FIREFIGHT-
9 ERS.

10 S 2. Subdivision 1 of section 3 of the public officers law, as amended
11 by chapter 44 of the laws of 1982, is amended to read as follows:

12 1. No person shall be capable of holding a civil office who shall not,
13 at the time he OR SHE shall be chosen thereto, have attained the age of
14 eighteen years, except that in the case of youth boards, youth commis-
15 sions or recreation commissions only, members of such boards or commis-
16 sions may be under the age of eighteen years, but must have attained the
17 age of sixteen years on or before appointment to such youth board, youth
18 commission or recreation commission, be a citizen of the United States,
19 EXCEPT THAT FOR APPOINTMENT AS A POLICE OFFICER, FIREFIGHTER OR OTHER
20 CIVIL OFFICE FOR WHICH ELECTION IS NOT REQUIRED, SUCH PERSON MAY BE A
21 LEGAL PERMANENT RESIDENT, a resident of the state, and if it be a local

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

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1 office, a resident of the political subdivision or municipal corporation
2 of the state for which he OR SHE shall be chosen, or within which the
3 electors electing him OR HER reside, or within which his OR HER official
4 functions are required to be exercised, or who shall have been or shall
5 be convicted of a violation of the selective draft act of the United
6 States, enacted May eighteenth, nineteen hundred seventeen, or the acts
7 amendatory or supplemental thereto, or of the federal selective training
8 and service act of nineteen hundred forty or the acts amendatory thereof
9 or supplemental thereto.

10 S 3. The first undesignated paragraph of section 3-b of the public
11 officers law, as amended by chapter 448 of the laws of 1992, is amended
12 to read as follows:

13 No sheriff of a county, mayor of a city, or official, or other persons
14 authorized by law to appoint special deputy sheriffs, special consta-
15 bles, marshals, police officers, or peace officers in this state, to
16 preserve the public peace or quell public disturbance, shall hereafter,
17 at the instance of any agent, society, association or corporation, or
18 otherwise, appoint as such special deputy, special constable, marshal,
19 police officer, or peace officer, any person who shall not be a citizen
20 of the United States OR A LEGAL PERMANENT RESIDENT and a resident of the
21 state of New York, [and entitled to vote therein at the time of his
22 appointment,] and a resident of the same county as the mayor or sheriff
23 or other official making such appointment; provided, however, that when,
24 in the judgment of a sheriff of a county except those counties within
25 the city of New York a situation exists which requires temporary addi-
26 tional assistance, such sheriff may appoint special deputy sheriffs who
27 are non-residents of the county but residents of the state of New York
28 who shall hold office until such time as the appointing sheriff deter-
29 mines that the situation no longer exists; and no person shall assume or
30 exercise the functions, powers, duties or privileges incident and
31 belonging to the office of special deputy sheriff, special constables,
32 marshal, police officer, or peace officer, without having first received
33 his OR HER appointment in writing from the authority lawfully appointing
34 him OR HER. Nothing herein contained, however, shall apply to the
35 appointment of a non-resident, as an emergency special deputy sheriff,
36 by the sheriff of any county to act when such sheriff has declared a
37 state of special emergency pursuant to the provisions of section two
38 hundred nine-f of the general municipal law. Any person otherwise quali-
39 fied who resides in either the county of Nassau or the county of Suffolk
40 may at the instance of a society for the prevention of cruelty to
41 animals be appointed as a peace officer by the appropriate appointing
42 official of either of such counties notwithstanding that such appointee
43 does not reside in the same county as the appointing official.

44 S 4. This act shall take effect immediately.