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

S. 1718 A. 4632

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

February 5, 2009

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to granting peace officer status to uniformed members of the fire marshall's office in the village of Southampton; to amend the executive law and the criminal procedure law, in relation to peace officers; and to repeal section 845-a of the executive law and section 2.30 of the criminal procedure law relating thereto

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

Section 1. Section 2.10 of the criminal procedure law is amended by adding a new subdivision 83 to read as follows:

83. UNIFORMED MEMBERS OF THE FIRE MARSHALL'S OFFICE IN THE VILLAGE OF SOUTHAMPTON, WHEN ACTING PURSUANT TO THEIR SPECIAL DUTIES IN MATTERS ARISING UNDER LAWS RELATING TO FIRES, THE EXTINGUISHMENT THEREOF AND FIRE PERILS; PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO AUTHORIZE SUCH OFFICER TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM UNLESS THE APPROPRIATE LICENSE THEREFOR HAS BEEN ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW.

S 2. Section 845-a of the executive law is REPEALED, and section 845 of the executive law, as added by chapter 482 of the laws of 1979, is amended to read as follows:

S 845. Central state registry of police officers AND PEACE OFFICERS. 1. The division shall collect information to maintain, on a current basis, a registry of all police officers AND PEACE OFFICERS in the state. Such registry shall contain, with respect to each police AND PEACE officer, his OR HER name, date of birth, social security number,

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

LBD07007-01-9

rank or title, [department] EMPLOYER, and whether he OR SHE is employed full-time or part-time.

2. Each head of a state or local agency, unit of local government, state or local commission, [or] public authority OR OTHER ORGANIZATION which employs police officers OR PEACE OFFICERS shall transmit to the division, no later than the fifteenth day of January, [nineteen hundred eighty] ANNUALLY, AND IN A FORM AND MANNER PRESCRIBED BY THE DIVISION, a list containing the name of every police officer OR PEACE OFFICER employed by his OR HER agency, government, commission, authority or organization [on the first day of January, nineteen hundred eighty,] indicating with respect to each [police] officer his OR HER date of birth, social security number, rank or title, [department] EMPLOYER, AND whether he OR SHE is employed full-time or part-time. [Each such head shall thereafter, no later than the tenth day of each January and July, transmit to the division a list of those police officers who have been appointed, have had a change of rank, or have ceased to serve in the preceding six calendar months and, in the instance of new appointees, shall include all the information required to be furnished in the initial listing.] IN ADDITION TO SUCH ANNUAL LIST, EACH SUCH HEAD SHALL TRANSMIT TO THE DIVISION ADDITIONAL LISTS CONTAINING THE NAMES OF OFFICERS WHO HAVE BEEN NEWLY APPOINTED, HAVE HAD A CHANGE IN RANK OR HAVE CEASED TO SERVE, WHICH LISTS SHALL BE TRANSMITTED WITHIN THIRTY DAYS OF THE EVENTS LISTED, AND WHICH SHALL INCLUDE ALL THE INFORMATION REQUIRED TO BE FURNISHED IN THE ANNUAL LISTING.

3. [Each such head shall have the option to enter into an agreement with the division whereby the required semi-annual updating of registry information may be regularly done on a more frequent basis.] THE DIVISION SHALL ESTABLISH RULES AND REGULATIONS TO PROVIDE FOR A PERMANENT SYSTEM OF IDENTIFICATION FOR EACH POLICE AND PEACE OFFICER, WHICH SHALL INCLUDE PROCEDURES FOR UPDATING THE REGISTRY UPON AN OFFICER'S FAILURE TO COMPLETE REQUIRED TRAINING WITHIN THE TIME LIMITATIONS ESTABLISHED IN LAW OR REGULATION.

4. UPON THE FAILURE OR REFUSAL TO COMPLY WITH THE REQUIREMENTS OF SUBDIVISION TWO OF THIS SECTION, THE COMMISSIONER MAY APPLY TO THE SUPREME COURT FOR AN ORDER, DIRECTED TO THE PERSON RESPONSIBLE, REQUIRING COMPLIANCE. UPON SUCH APPLICATION, THE COURT MAY ISSUE SUCH ORDER AS MAY BE JUST.

5. THE DIVISION SHALL COOPERATE WITH THE DIVISION OF STATE POLICE IN MAKING THE INFORMATION IN THE CENTRAL REGISTRY OF POLICE AND PEACE OFFICERS AVAILABLE FOR THE PURPOSE OF VERIFYING TRANSACTIONS INVOLVING FIREARMS.

S 3. Section 2.30 of the criminal procedure law is REPEALED and a new section 2.30 is added to read as follows:

S 2.30 TRAINING REQUIREMENTS FOR PEACE OFFICERS.

1. EVERY PEACE OFFICER APPOINTED AFTER THE EFFECTIVE DATE OF THIS SECTION MUST SUCCESSFULLY COMPLETE A PEACE OFFICER BASIC TRAINING PROGRAM PRESCRIBED BY REGULATIONS PROMULGATED BY THE GOVERNOR PURSUANT TO SECTION EIGHT HUNDRED FORTY OF THE EXECUTIVE LAW. SUCH REGULATIONS MAY PRESCRIBE DIFFERENT BASIC TRAINING PROGRAMS AS MAY BE DEEMED APPROPRIATE FOR PARTICULAR AGENCIES OR CATEGORIES OF PEACE OFFICERS. IT IS THE RESPONSIBILITY OF EVERY EMPLOYER OF PEACE OFFICERS TO PROVIDE THE PEACE OFFICER BASIC TRAINING PROGRAM REQUIRED BY THIS SECTION. EACH PEACE OFFICER SATISFACTORILY COMPLETING A PEACE OFFICER BASIC TRAINING PROGRAM SHALL BE AWARDED A CERTIFICATE BY THE DIVISION OF CRIMINAL JUSTICE SERVICES ATTESTING TO THAT EFFECT. EVERY PERSON APPOINTED AS A PEACE OFFICER AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL FORFEIT HIS

OR HER POSITION UNLESS HE OR SHE HAS RECEIVED A CERTIFICATE OF SATISFACTORY COMPLETION OF THE PEACE OFFICER BASIC TRAINING PROGRAM WITHIN THE TIME PRESCRIBED BY THE REGULATIONS PROMULGATED BY THE GOVERNOR PURSUANT TO SECTION EIGHT HUNDRED FORTY-TWO OF THE EXECUTIVE LAW.

2. EVERY PEACE OFFICER EMPLOYER MUST ALSO PROVIDE AN ORIENTATION PROGRAM FOR ITS PEACE OFFICERS COMPRISED OF SUBJECTS RELATING TO THE SPECIAL NATURE OF THE DUTIES OF THE PEACE OFFICERS EMPLOYED BY IT.

3. NO EMPLOYER SHALL ALLOW ANY PEACE OFFICER TO CARRY OR USE A WEAPON DURING ANY PHASE OF THE OFFICER'S ON-DUTY EMPLOYMENT UNLESS SUCH OFFICER HAS SATISFACTORILY COMPLETED A COURSE OF TRAINING APPROVED BY THE MUNICIPAL POLICE TRAINING COUNCIL IN THE USE OF DEADLY PHYSICAL FORCE AND FIREARMS AND OTHER WEAPONS, AND ANNUALLY RECEIVES TRAINING IN THE USE OF DEADLY PHYSICAL FORCE AND FIREARMS AND OTHER WEAPONS.

4. EVERY EMPLOYER OF PEACE OFFICERS SHALL ANNUALLY REPORT TO THE DIVISION OF CRIMINAL JUSTICE SERVICES, IN SUCH FORM AND AT SUCH TIME AS THE DIVISION MAY BY REGULATION REQUIRE, THE NAMES OF ALL PEACE OFFICERS WHO HAVE, DURING THE COURSE OF THE YEAR, SATISFACTORILY COMPLETED ANY OF THE TRAINING REQUIREMENTS PRESCRIBED BY THIS SECTION.

5. UPON THE FAILURE OR REFUSAL TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION, THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES MAY APPLY TO THE SUPREME COURT FOR AN ORDER, DIRECTED TO THE PERSON RESPONSIBLE, REQUIRING COMPLIANCE. UPON SUCH APPLICATION, THE COURT MAY ISSUE SUCH ORDER AS MAY BE JUST.

6. A CERTIFICATE ATTESTING TO SATISFACTORY COMPLETION OF THE TRAINING REQUIREMENTS IMPOSED UNDER THIS SECTION AWARDED TO ANY PEACE OFFICER BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO THIS SECTION SHALL REMAIN VALID DURING THE HOLDER'S CONTINUOUS SERVICE AS A PEACE OFFICER AND FOR FIVE YEARS AFTER THE DATE OF THE COMMENCEMENT OF AN INTERRUPTION IN SUCH SERVICE. AS USED IN THIS SUBDIVISION, THE TERM "INTERRUPTION" SHALL MEAN A PERIOD OF SEPARATION FROM EMPLOYMENT AS A PEACE OFFICER BY REASON OF SUCH OFFICER'S LEAVE OF ABSENCE, RESIGNATION, OR REMOVAL, OTHER THAN REMOVAL FOR CAUSE.

S 4. This act shall take effect immediately; provided that sections two and three of this act shall take effect one year after this act shall have become a law.