

S. 1719

A. 4633

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 designating employees of the village court of the village of Westhampton Beach serving as uniformed court officers as peace officers; 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:

1 Section 1. Section 2.10 of the criminal procedure law is amended by
2 adding a new subdivision 83 to read as follows:
3 83. EMPLOYEES OF THE VILLAGE COURT OF THE VILLAGE OF WESTHAMPTON
4 BEACH, TOWN OF SOUTHAMPTON, SERVING AS UNIFORMED COURT OFFICERS AT SUCH
5 VILLAGE COURT; PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL
6 BE DEEMED TO AUTHORIZE SUCH OFFICER TO CARRY, POSSESS, REPAIR OR DISPOSE
7 OF A FIREARM UNLESS THE APPROPRIATE LICENSE THEREFOR HAS BEEN ISSUED
8 PURSUANT TO SECTION 400.00 OF THE PENAL LAW.
9 S 2. Section 845-a of the executive law is REPEALED, and section 845
10 of the executive law, as added by chapter 482 of the laws of 1979, is
11 amended to read as follows:
12 S 845. Central state registry of police officers AND PEACE OFFICERS.
13 1. The division shall collect information to maintain, on a current
14 basis, a registry of all police officers AND PEACE OFFICERS in the
15 state. Such registry shall contain, with respect to each police AND
16 PEACE officer, his OR HER name, date of birth, social security number,
17 rank or title, [department] EMPLOYER, and whether he OR SHE is employed
18 full-time or part-time.

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

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

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

31 4. UPON THE FAILURE OR REFUSAL TO COMPLY WITH THE REQUIREMENTS OF
32 SUBDIVISION TWO OF THIS SECTION, THE COMMISSIONER MAY APPLY TO THE
33 SUPREME COURT FOR AN ORDER, DIRECTED TO THE PERSON RESPONSIBLE, REQUIR-
34 ING COMPLIANCE. UPON SUCH APPLICATION, THE COURT MAY ISSUE SUCH ORDER AS
35 MAY BE JUST.

36 5. THE DIVISION SHALL COOPERATE WITH THE DIVISION OF STATE POLICE IN
37 MAKING THE INFORMATION IN THE CENTRAL REGISTRY OF POLICE AND PEACE OFFI-
38 CERS AVAILABLE FOR THE PURPOSE OF VERIFYING TRANSACTIONS INVOLVING
39 FIREARMS.

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

42 S 2.30 TRAINING REQUIREMENTS FOR PEACE OFFICERS.

43 1. EVERY PEACE OFFICER APPOINTED AFTER THE EFFECTIVE DATE OF THIS
44 SECTION MUST SUCCESSFULLY COMPLETE A PEACE OFFICER BASIC TRAINING
45 PROGRAM PRESCRIBED BY REGULATIONS PROMULGATED BY THE GOVERNOR PURSUANT
46 TO SECTION EIGHT HUNDRED FORTY OF THE EXECUTIVE LAW. SUCH REGULATIONS
47 MAY PRESCRIBE DIFFERENT BASIC TRAINING PROGRAMS AS MAY BE DEEMED APPRO-
48 PRIATE FOR PARTICULAR AGENCIES OR CATEGORIES OF PEACE OFFICERS. IT IS
49 THE RESPONSIBILITY OF EVERY EMPLOYER OF PEACE OFFICERS TO PROVIDE THE
50 PEACE OFFICER BASIC TRAINING PROGRAM REQUIRED BY THIS SECTION. EACH
51 PEACE OFFICER SATISFACTORILY COMPLETING A PEACE OFFICER BASIC TRAINING
52 PROGRAM SHALL BE AWARDED A CERTIFICATE BY THE DIVISION OF CRIMINAL
53 JUSTICE SERVICES ATTESTING TO THAT EFFECT. EVERY PERSON APPOINTED AS A
54 PEACE OFFICER AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL FORFEIT HIS
55 OR HER POSITION UNLESS HE OR SHE HAS RECEIVED A CERTIFICATE OF SATISFAC-
56 TORY COMPLETION OF THE PEACE OFFICER BASIC TRAINING PROGRAM WITHIN THE

1 TIME PRESCRIBED BY THE REGULATIONS PROMULGATED BY THE GOVERNOR PURSUANT
2 TO SECTION EIGHT HUNDRED FORTY-TWO OF THE EXECUTIVE LAW.

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

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

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

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

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

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