

S. 2407

A. 5709

2009-2010 Regular Sessions

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

February 19, 2009

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

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

AN ACT to amend the criminal procedure law, in relation to designating uniformed officers of the fire marshal's office of the town of Huntington 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. Subdivision 63 of section 2.10 of the criminal procedure  
2     law, as amended by chapter 638 of the laws of 2003, is amended to read  
3     as follows:  
4     63. Uniformed members of the fire marshal's office in the town of  
5     Southampton [and], the town of Riverhead AND THE TOWN OF HUNTINGTON,  
6     when acting pursuant to their special duties in matters arising under  
7     the laws relating to fires, the extinguishment thereof and fire perils;  
8     provided, however that nothing in this subdivision shall be deemed to  
9     authorize such officer to carry, possess, repair or dispose of a firearm  
10    unless the appropriate license therefor has been issued pursuant to  
11    section 400.00 of the penal law.  
12    S 2. Section 845-a of the executive law is REPEALED.  
13    S 3. Section 845 of the executive law, as added by chapter 482 of the  
14    laws of 1979, is amended to read as follows:  
15    S 845. Central state registry of police officers AND PEACE OFFICERS.  
16    1. The division shall collect information to maintain, on a current  
17    basis, a registry of all police officers AND PEACE OFFICERS in the

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

LBD09208-01-9

1 state. Such registry shall contain, with respect to each police AND  
2 PEACE officer, his OR HER name, date of birth, social security number,  
3 rank or title, [department] EMPLOYER, and whether he OR SHE is employed  
4 full-time or part-time.

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

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

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

40 5. THE DIVISION SHALL COOPERATE WITH THE DIVISION OF STATE POLICE IN  
41 MAKING THE INFORMATION IN THE CENTRAL REGISTRY OF POLICE AND PEACE OFFI-  
42 CERS AVAILABLE FOR THE PURPOSE OF VERIFYING TRANSACTIONS INVOLVING  
43 FIREARMS.

44 S 4. Section 2.30 of the criminal procedure law is REPEALED and a new  
45 section 2.30 is added to read as follows:

46 S 2.30 TRAINING REQUIREMENTS FOR PEACE OFFICERS.

47 1. EVERY PEACE OFFICER APPOINTED AFTER THE EFFECTIVE DATE OF THIS  
48 SECTION MUST SUCCESSFULLY COMPLETE A PEACE OFFICER BASIC TRAINING  
49 PROGRAM PRESCRIBED BY REGULATIONS PROMULGATED BY THE GOVERNOR PURSUANT  
50 TO SECTION EIGHT HUNDRED FORTY OF THE EXECUTIVE LAW. SUCH REGULATIONS  
51 MAY PRESCRIBE DIFFERENT BASIC TRAINING PROGRAMS AS MAY BE DEEMED APPRO-  
52 PRIATE FOR PARTICULAR AGENCIES OR CATEGORIES OF PEACE OFFICERS. IT IS  
53 THE RESPONSIBILITY OF EVERY EMPLOYER OF PEACE OFFICERS TO PROVIDE THE  
54 PEACE OFFICER BASIC TRAINING PROGRAM REQUIRED BY THIS SECTION. EACH  
55 PEACE OFFICER SATISFACTORILY COMPLETING A PEACE OFFICER BASIC TRAINING  
56 PROGRAM SHALL BE AWARDED A CERTIFICATE BY THE DIVISION OF CRIMINAL

1 JUSTICE SERVICES ATTESTING TO THAT EFFECT. EVERY PERSON APPOINTED AS  
2 PEACE OFFICER AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL FORFEIT HIS  
3 OR HER POSITION UNLESS HE OR SHE HAS RECEIVED A CERTIFICATE OF SATISFAC-  
4 TORY COMPLETION OF THE PEACE OFFICER BASIC TRAINING PROGRAM WITHIN THE  
5 TIME PRESCRIBED BY THE REGULATIONS PROMULGATED BY THE GOVERNOR PURSUANT  
6 TO SECTION EIGHT HUNDRED FORTY-TWO OF THE EXECUTIVE LAW.

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

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

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

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

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

35 S 5. This act shall take effect immediately; provided that sections  
36 two, three and four of this act shall take effect one year after this  
37 act shall have become a law.