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

7553

2009-2010 Regular Sessions

I N A S S E M B L Y

April 14, 2009

Introduced by M. of A. ORTIZ, ESPAILLAT -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the executive law, in relation to requiring random drug and alcohol testing for certain police officers

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

Section 1. The executive law is amended by adding a new section 169-a to read as follows:

S 169-A. RANDOM DRUG AND ALCOHOL TESTING OF CERTAIN POLICE OFFICERS. 1. ANY PERSON WHO FALLS UNDER THE DEFINITION OF POLICE OFFICER AS DEFINED IN SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW SHALL BE SUBJECT TO RANDOM DRUG AND ALCOHOL TESTS.

2. THE DEPARTMENT, DIVISION, PRECINCT OR ANY OTHER CLASSIFICATION OF POLICE OFFICERS SHALL BE RESPONSIBLE FOR REQUIRING THEIR OFFICERS TO SUBMIT TO RANDOM DRUG AND ALCOHOL TESTS NO LESS THAN FOUR TIMES IN ANY GIVEN TWELVE MONTH SPAN.

3. IF ANY OFFICER SHALL TEST POSITIVE FOR AN ILLEGAL SUBSTANCE OR THE PRESENCE OF ALCOHOL WHILE SUCH OFFICER IS ON DUTY, THEN SUCH OFFICER SHALL BE IMMEDIATELY SUSPENDED. THE OFFICER SHALL BE REQUIRED TO UNDERGO DRUG AND ALCOHOL TREATMENT AND COUNSELING. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY IF THE OFFICER WAS AUTHORIZED BY A LICENSED PHYSICIAN TO USE SUCH SUBSTANCE.

4. A SECOND VIOLATION OF THIS SECTION BY ANY OFFICER SHALL RESULT IN THE IMMEDIATE DISMISSAL OF SUCH OFFICER FROM HIS OR HER POLICE UNIT. A HEARING SHALL BE HELD WITHIN THIRTY DAYS OF SUCH DISMISSAL TO ENSURE THAT THE DISMISSAL WAS WARRANTED.

S 2. This act shall take effect immediately.

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

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