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

5054

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. SMITH -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law and the state finance law, in relation to establishing the police officer training program

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 two new sections 231 and 232 to read as follows:

S 231. POLICE OFFICER TRAINING PROGRAM. 1. THE SUPERINTENDENT OF THE DIVISION OF STATE POLICE SHALL, PURSUANT TO THE DIRECTION OF THE POLICE OFFICER TRAINING BOARD AS SET FORTH IN SECTION TWO HUNDRED THIRTY-TWO OF THIS ARTICLE, MAKE GRANTS TO MUNICIPAL POLICE DEPARTMENTS TO AUGMENT THE EFFECTIVE USE OF NON-LETHAL TACTICS AND WEAPONS IN THE COURSE OF THE PERFORMANCE OF A POLICE OFFICER'S OFFICIAL DUTIES. FOR PURPOSES OF THIS SECTION, "MUNICIPAL POLICE DEPARTMENT" SHALL MEAN A POLICE DEPARTMENT IN ANY CITY WITH A POPULATION OF ONE HUNDRED THOUSAND OR MORE.

2. GRANTS AWARDED UNDER SUBDIVISION ONE OF THIS SECTION MAY BE USED FOR PROGRAMS, TRAINING, AND OTHER ACTIVITIES TO DESIGN AND IMPLEMENT DEPARTMENTAL POLICIES AND OPERATING PROCEDURES THAT ENHANCE THE USE OF NON-LETHAL WEAPONS AND TACTICS BY POLICE OFFICERS TO MAINTAIN PUBLIC ORDER AND SAFETY.

3. THE SUPERINTENDENT OF THE DIVISION OF STATE POLICE MAY PROVIDE TECHNICAL ASSISTANCE IN FURTHERANCE OF THE PURPOSES OF THIS SECTION. SUCH TECHNICAL ASSISTANCE MAY INCLUDE THE ESTABLISHMENT OF TRAINING CENTERS OR FACILITIES FOR THE PURPOSES DESCRIBED IN THIS SECTION.

4. NO GRANT MAY BE AWARDED UNDER THIS SECTION UNLESS AN APPLICATION HAS BEEN SUBMITTED TO, AND APPROVED BY, THE SUPERINTENDENT OF THE DIVISION OF STATE POLICE. AN APPLICATION FOR A GRANT UNDER THIS SECTION SHALL BE SUBMITTED IN SUCH FORM, AND CONTAIN SUCH INFORMATION, AS SUCH SUPERINTENDENT MAY PRESCRIBE BY REGULATION OR GUIDELINES. IF THE APPLICATION IS FOR A GRANT TO DEVELOP AND CONDUCT POLICE OFFICER TRAINING

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

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PROGRAMS FOR POLICE OFFICERS, SUCH ACADEMIC RESEARCH CENTER OR NOT-FOR-PROFIT ENTITY SHALL DEMONSTRATE THE NECESSARY EXPERTISE IN DEVELOPING AND CONDUCTING POLICE OFFICER TRAINING.

5. FUNDS AWARDED UNDER THIS SECTION SHALL NOT BE USED TO SUPPLANT STATE OR LOCAL FUNDS. FIFTY PERCENT OF THE FUNDS AWARDED UNDER THIS SECTION SHALL BE AWARDED TO MUNICIPAL POLICE DEPARTMENTS FOR ENHANCEMENT OF POLICE OFFICER RECRUITMENT AND FIFTY PERCENT SHALL BE AWARDED TO ACADEMIC RESEARCH CENTERS OR NOT-FOR-PROFIT ENTITIES TO DEVELOP AND CONDUCT POLICE OFFICER TRAINING PROGRAMS IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. NO GRANT MAY BE AWARDED UNDER THIS SECTION TO AN ACADEMIC RESEARCH CENTER OR NOT-FOR-PROFIT ENTITY UNLESS SUCH CENTER OR ENTITY HAS ENTERED INTO A WRITTEN AGREEMENT WITH A MUNICIPAL POLICE DEPARTMENT FOR THE TRAINING OF POLICE OFFICERS IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

S 232. THE POLICE OFFICER TRAINING BOARD. 1. THERE IS HEREBY CREATED IN THE DIVISION OF STATE POLICE THE POLICE OFFICER TRAINING BOARD (HEREINAFTER "BOARD"), WHICH SHALL CONSIST OF NINE MEMBERS. ONE EACH OF SUCH MEMBERS SHALL BE APPOINTED BY THE ATTORNEY GENERAL, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE ASSEMBLY, THE CHIEF JUDGE OF THE COURT OF APPEALS AND THE NEW YORK STATE COMPTROLLER. TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR.

2. MEMBERS OF THE BOARD SHALL SERVE FOR A TERM OF FOUR YEARS AND SHALL SERVE WITHOUT COMPENSATION, EXCEPT THAT SUCH MEMBERS OF THE BOARD WHO ARE NOT PUBLIC OFFICIALS SHALL BE ENTITLED TO RECEIVE REASONABLE REIMBURSEMENT FOR EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR DUTIES AS MEMBERS OF THE BOARD. A MAJORITY OF THE MEMBERS SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING. ACTION MAY BE TAKEN BY THE BOARD AT A MEETING UPON THE VOTE OF THE MAJORITY OF THE MEMBERS PRESENT. A CHAIRPERSON SHALL BE APPOINTED BY THE GOVERNOR FROM HIS OR HER TWO APPOINTMENTS. THE BOARD SHALL MEET AT LEAST FOUR TIMES EACH YEAR, AND AT OTHER TIMES AT THE CALL OF THE CHAIRPERSON OR UPON THE WRITTEN REQUEST OF TWO-THIRDS OF THE MEMBERS OF THE BOARD.

3. THE SUPERINTENDENT OF THE DIVISION OF STATE POLICE SHALL, PURSUANT TO THE DIRECTION OF THE BOARD, HAVE THE POWER AND DUTY TO:

(A) MAKE, EXECUTE, AND DELIVER CONTRACTS, CONVEYANCES AND OTHER INSTRUMENTS NECESSARY TO EFFECTUATE THE PURPOSES AND OBJECTIVES OF THE PROGRAM;

(B) ACCEPT ANY GRANT, INCLUDING FEDERAL GRANTS, OR ANY CONTRIBUTIONS FOR THE PURPOSES OF THE PROGRAM. ANY MONEYS SO RECEIVED SHALL BE EXPENDED BY THE SUPERINTENDENT OF THE DIVISION OF STATE POLICE FOR THE PROGRAM'S PURPOSES, PURSUANT TO AN APPROPRIATION AND SUBJECT TO APPLICABLE SECTIONS OF THE STATE FINANCE LAW;

(C) MAKE GRANTS PURSUANT TO A REQUEST FOR PROPOSALS PROCESS;

(D) DIRECT THE SUPERINTENDENT OF THE DIVISION OF STATE POLICE TO ACT IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWO HUNDRED THIRTY-ONE OF THIS ARTICLE; AND

(E) SUBMIT NO LATER THAN MARCH FIRST OF EACH YEAR TO THE GOVERNOR AND THE CHAIRPERSONS OF THE SENATE FINANCE AND CODES COMMITTEES AND THE ASSEMBLY WAYS AND MEANS AND CODES COMMITTEES, A WRITTEN REPORT OF THE BOARD'S ACTIVITIES, AND THE ACTIVITIES OF GRANT RECIPIENTS.

S 2. The state finance law is amended by adding a new section 97-j to read as follows:

S 97-J. POLICE OFFICER TRAINING PROGRAM FUND. 1. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMPTROLLER A SPECIAL FUND TO BE KNOWN AS THE "POLICE OFFICER TRAINING PROGRAM FUND".

2. SUCH FUND SHALL CONSIST OF ALL MONEYS APPROPRIATED FOR THE PURPOSE OF SUCH FUND, ALL OTHER MONEYS CREDITED OR TRANSFERRED TO SUCH FUND PURSUANT TO LAW, ALL MONEYS REQUIRED BY ANY OTHER LAW TO BE PAID INTO OR CREDITED TO SUCH FUND, AND ALL OTHER MONEYS RECEIVED BY THE FUND OR DONATED TO IT.

3. MONEYS OF SUCH FUND SHALL BE AVAILABLE FOR APPROPRIATION AND ALLOCATION TO THE DIVISION OF STATE POLICE FOR THE PURPOSE OF FUNDING THE POLICE OFFICER TRAINING PROGRAM ESTABLISHED PURSUANT TO SECTION TWO HUNDRED THIRTY-ONE OF THE EXECUTIVE LAW.

4. MONEYS OF SUCH FUND SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE SUPERINTENDENT OF THE DIVISION OF STATE POLICE IN THE MANNER PROVIDED FOR BY LAW.

S 3. This act shall take effect on the first of October next succeeding the date on which it shall have become a law, provided, however, that any rules and regulations necessary for the timely implementation of this act on its effective date shall be promulgated immediately.