

8273

I N S E N A T E

June 18, 2010

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

AN ACT to amend the public officers law, in relation to the residence of peace officers employed as fire protection inspectors, urban park rangers and traffic enforcement agents level IV by a city with a population over one million

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

1 Section 1. Section 3-b of the public officers law, as amended by chap-
2 ter 448 of the laws of 1992, is amended to read as follows:
3 S 3-b. Special peace officers to be citizens. 1. No sheriff of a coun-
4 ty, mayor of a city, or official, or other persons authorized by law to
5 appoint special deputy sheriffs, special constables, marshals, police
6 officers, or peace officers in this state, to preserve the public peace
7 or quell public disturbance, shall hereafter, at the instance of any
8 agent, society, association or corporation, or otherwise, appoint as
9 such special deputy, special constable, marshal, police officer, or
10 peace officer, any person who shall not be a citizen of the United
11 States and a resident of the state of New York, and entitled to vote
12 therein at the time of his appointment, and a resident of the same coun-
13 ty as the mayor or sheriff or other official making such appointment;
14 provided, however, that when, in the judgment of a sheriff of a county
15 except those counties within the city of New York a situation exists
16 which requires temporary additional assistance, such sheriff may appoint
17 special deputy sheriffs who are non-residents of the county but resi-
18 dents of the state of New York who shall hold office until such time as
19 the appointing sheriff determines that the situation no longer exists;
20 and no person shall assume or exercise the functions, powers, duties or
21 privileges incident and belonging to the office of special deputy sher-
22 iff, special constables, marshal, police officer, or peace officer,
23 without having first received his appointment in writing from the
24 authority lawfully appointing him. Nothing herein contained, however,
25 shall apply to the appointment of a non-resident, as an emergency
26 special deputy sheriff, by the sheriff of any county to act when such

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

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1 sheriff has declared a state of special emergency pursuant to the
2 provisions of section two hundred nine-f of the general municipal law.
3 Any person otherwise qualified who resides in either the county of
4 Nassau or the county of Suffolk may at the instance of a society for the
5 prevention of cruelty to animals be appointed as a peace officer by the
6 appropriate appointing official of either of such counties notwithstanding
7 that such appointee does not reside in the same county as the
8 appointing official.

9 2. NEITHER THE PROVISIONS OF THIS SECTION OR OF ANY GENERAL, SPECIAL
10 OR LOCAL LAW, CHARTER, CODE, ORDINANCE, RESOLUTION, RULE OR REGULATION,
11 REQUIRING A PERSON TO BE A RESIDENT OF THE POLITICAL SUBDIVISION OR
12 MUNICIPAL CORPORATION OF THE STATE BY WHICH HE OR SHE IS EMPLOYED, SHALL
13 APPLY TO A PERSON EMPLOYED BY A CITY WITH A POPULATION OVER ONE MILLION
14 IN THE TITLES OF FIRE PROTECTION INSPECTOR, ASSOCIATE FIRE PROTECTION
15 INSPECTOR, OR SUPERVISING FIRE PROTECTION INSPECTOR, PROVIDED THAT HE OR
16 SHE HAS COMPLETED TWO YEARS OF EMPLOYMENT WITH THE CITY OF NEW YORK AND
17 IS A RESIDENT OF NEW YORK, KINGS, QUEENS, BRONX, RICHMOND, NASSAU, WEST-
18 CHESTER, SUFFOLK, ORANGE, ROCKLAND OR PUTNAM COUNTY.

19 3. NEITHER THE PROVISIONS OF THIS SECTION OR OF ANY GENERAL, SPECIAL
20 OR LOCAL LAW, CHARTER, CODE, ORDINANCE, RESOLUTION, RULE OR REGULATION,
21 REQUIRING A PERSON TO BE A RESIDENT OF THE POLITICAL SUBDIVISION OR
22 MUNICIPAL CORPORATION OF THE STATE BY WHICH HE OR SHE IS EMPLOYED, SHALL
23 APPLY TO A PERSON EMPLOYED BY A CITY WITH A POPULATION OVER ONE MILLION
24 IN THE TITLES OF URBAN PARK RANGER OR TRAFFIC ENFORCEMENT AGENT LEVEL
25 IV, PROVIDED THAT HE OR SHE HAS COMPLETED TWO YEARS OF EMPLOYMENT WITH
26 THE CITY OF NEW YORK AND IS A RESIDENT OF NEW YORK, KINGS, QUEENS,
27 BRONX, RICHMOND, NASSAU, WESTCHESTER, SUFFOLK, ORANGE, ROCKLAND OR
28 PUTNAM COUNTY.

29 A violation of the provisions of this section is a misdemeanor.

30 S 2. This act shall take effect immediately.