

3028

2011-2012 Regular Sessions

I N A S S E M B L Y

January 21, 2011

Introduced by M. of A. DESTITO, SCHROEDER -- read once and referred to  
the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requests to engage in  
outside employment by members of the state police

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

1 Section 1. Subdivision 3 of section 215 of the executive law, as  
2 amended by chapter 478 of the laws of 2004, is amended to read as  
3 follows:  
4 3. The sworn members of the New York state police shall be appointed  
5 by the superintendent and permanent appointees may be removed by the  
6 superintendent only after a hearing. No person shall be appointed to the  
7 New York state police force as a sworn member unless he or she shall be  
8 a citizen of the United States, between the ages of twenty-one and twen-  
9 ty-nine years except that in the superintendent's discretion, the maxi-  
10 mum age may be extended to thirty-five years. Notwithstanding any other  
11 provision of law or any general or special law to the contrary the time  
12 spent on military duty, not exceeding a total of six years, shall be  
13 subtracted from the age of any applicant who has passed his or her twen-  
14 ty-ninth birthday, solely for the purpose of permitting qualification as  
15 to age and for no other purpose. Such limitations as to age however  
16 shall not apply to persons appointed to the positions of counsel, first  
17 assistant counsel, assistant counsel, and assistant deputy superinten-  
18 dent for employee relations nor to any person appointed to the bureau of  
19 criminal investigation pursuant to section two hundred sixteen of this  
20 article nor shall any person be appointed unless he or she has fitness  
21 and good moral character and shall have passed a physical and mental  
22 examination based upon standards provided by the rules and regulations  
23 of the superintendent. Appointments shall be made for a probationary  
24 period which, in the case of appointees required to attend and complete  
25 a basic training program at the state police academy, shall include such

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

LBD06370-01-1

1 time spent attending the basic school and terminate one year after  
2 successful completion thereof. All other sworn members shall be subject  
3 to a probationary period of one year from the date of appointment.  
4 Following satisfactory completion of the probationary period the member  
5 shall be a permanent appointee. Voluntary resignation or withdrawal from  
6 the New York state police during such appointment shall be submitted to  
7 the superintendent for approval. Reasonable time shall be required to  
8 account for all equipment issued or for debts or obligations to the  
9 state to be satisfied. Resignation or withdrawal from the division  
10 during a time of emergency, so declared by the governor, shall not be  
11 approved if contrary to the best interest of the state and shall be a  
12 misdemeanor. No sworn member removed from the New York state police  
13 shall be eligible for reappointment. The superintendent shall make rules  
14 and regulations subject to approval by the governor for the discipline  
15 and control of the New York state police and for the examination and  
16 qualifications of applicants for appointment as members thereto and such  
17 examinations shall be held and conducted by the superintendent subject  
18 to such rules and regulations, PROVIDED, HOWEVER, NO SUCH RULE, REGU-  
19 LATION OR ADMINISTRATIVE PROVISION SHALL AUTHORIZE THE SUPERINTENDENT OR  
20 HIS OR HER DESIGNEE TO DENY A REQUEST OF A MEMBER OF THE STATE POLICE TO  
21 ENGAGE IN OUTSIDE EMPLOYMENT UNLESS THE OUTSIDE EMPLOYMENT AT ISSUE IS:  
22 (I) SUBSTANTIALLY RELATED TO THE PERFORMANCE OF POLICE DUTIES; (II) IN  
23 CONFLICT WITH OR OPPOSED TO A STATE POLICE OFFICER'S DUTIES; OR (III) IS  
24 FORBIDDEN BY LAW. The superintendent is authorized to charge a fee of  
25 twenty dollars as an application fee for any person applying to take a  
26 competitive examination for the position of trooper, and a fee of five  
27 dollars for any competitive examination for a civilian position. The  
28 superintendent shall promulgate regulations subject to the approval of  
29 the director of the budget, to provide for a waiver of the application  
30 fee when the fee would cause an unreasonable hardship on the applicant  
31 and to establish a fee schedule and charge fees for the use of state  
32 police facilities.

33 S 2. This act shall take effect immediately.