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

S. 3722 A. 5814

2011-2012 Regular Sessions

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

March 2, 2011

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

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

AN ACT to amend the penal law, in relation to requiring each county to establish a retired police officer firearms qualification course that meets state standards for training and qualifications

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

Section 1. The penal law is amended by adding a new section 400.02 to read as follows:

S 400.02 RETIRED POLICE OFFICER FIREARMS QUALIFICATION COURSE.

1. THE POLICE COMMISSIONER, CHIEF OF POLICE OR EQUIVALENT TITLE FOR A COUNTY IS AUTHORIZED AND DIRECTED TO IMPLEMENT A RETIRED POLICE OFFICER FIREARMS QUALIFICATION TRAINING PROGRAM OPEN TO QUALIFIED RETIRED POLICE OFFICERS WHICH MEETS THE STATE STANDARDS FOR FIREARM TRAINING AND QUALIFICATIONS.

2. UPON COMPLETION OF THE COURSE, THE RETIRED POLICE OFFICER SHALL RECEIVE CERTIFICATION.

3. THE POLICE COMMISSIONER, CHIEF OF POLICE OR EQUIVALENT TITLE SHALL SET FORTH TERMS AND CONDITIONS OF THE TRAINING COURSE AND CERTIFICATION, INCLUDING BUT NOT LIMITED TO:

(A) TEACHING COURSE MATERIAL THAT MEETS THE STATE STANDARD FOR TRAINING AND QUALIFICATIONS;

(B) REQUIRE THE RETIRED OFFICER TO SUPPLY HIS OR HER OWN AMMUNITION OF A QUALITY APPROVED FOR USE BY THE COUNTY POLICE DEPARTMENT;

(C) ISSUE AFTER COMPLETION OF SUCH COURSE A PHOTOGRAPHIC IDENTIFICATION CARD IDENTIFYING THE DATE OF TRAINING AND THE TYPE OR TYPES OF WEAPON OR WEAPONS COVERED BY THE CERTIFICATION;

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

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(D) COLLECT AN INITIAL FEE FROM THE QUALIFIED RETIRED LAW ENFORCEMENT OFFICER FOR EACH FIREARM USED IN QUALIFYING; AND

(E) COLLECT AN ADDITIONAL FEE FOR EACH PHOTOGRAPHIC IDENTIFICATION CARD ISSUED.

4. NO ONE SHALL BE AUTHORIZED TO OBTAIN CERTIFICATION UNDER THESE PROVISIONS IF THEY HAVE NOT MET THE REQUIREMENTS ESTABLISHED IN SECTION 400.00 OF THIS ARTICLE.

5. A "QUALIFIED RETIRED POLICE OFFICER" IS A POLICE OFFICER DEFINED PURSUANT TO SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, WHO UPON SEPARATION FROM THE POLICE DEPARTMENT WAS IMMEDIATELY ENTITLED TO RECEIVE RETIREMENT BENEFITS UNDER THE PROVISIONS OF THE RETIREMENT AND SOCIAL SECURITY LAW AND HAS MET THE REQUIREMENTS OF SECTION 400.00 OF THIS ARTICLE.

S 2. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.