

7761--A

Cal. No. 639

2011-2012 Regular Sessions

I N A S S E M B L Y

May 16, 2011

Introduced by M. of A. ABBATE, CASTELLI -- read once and referred to the Committee on Governmental Employees -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the town law, in relation to the employer's ability to suspend a police officer without pay pending disciplinary charges

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

1 Section 1. The second undesignated paragraph of section 155 of the
2 town law, as amended by chapter 310 of the laws of 1962, is amended to
3 read as follows:
4 Any member of such department found guilty upon charges, after five
5 days' notice and an opportunity to be heard in his defense, of neglect
6 or dereliction in the performance of official duty, or of violation of
7 rules or regulations or disobedience, or of incompetency to perform
8 official duty, or of an act of delinquency seriously affecting his
9 general character or fitness for office, may be punished by the town
10 board having jurisdiction, by reprimand, by forfeiture and withholding
11 of salary or compensation for a specified time not exceeding twenty
12 days, by extra tours or hours of duty during a specified period not
13 exceeding twenty days, by suspension from duty for a specified time not
14 exceeding twenty days and the withholding of salary or compensation
15 during such suspension, or by dismissal from the department. Such board
16 shall have the power to suspend, without pay, pending the trial of
17 charges, any member of such police department IN ACCORDANCE WITH SUBDI-
18 VISION THREE OF SECTION SEVENTY-FIVE OF THE CIVIL SERVICE LAW. If any
19 member of such police department so suspended shall not be convicted of
20 the charges so preferred, he shall be entitled to full pay from the date
21 of suspension. The conviction of a member of such police department by
22 the town board shall be subject to review by the supreme court in the

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

LBD11473-03-2

1 judicial district in which such town is located in the manner provided
2 by article seventy-eight of the civil practice law and rules, provided
3 that the proceeding is commenced within thirty days from the determi-
4 nation of such conviction by the town board.
5 S 2. This act shall take effect immediately.