

2302

2011-2012 Regular Sessions

I N A S S E M B L Y

January 18, 2011

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

AN ACT to amend the executive law, in relation to rules and regulations
promulgated by the superintendent relating to disciplinary proceedings

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.

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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. ANY SUCH RULE OR REGULATION RELATING TO
19 THE FORMAL DISCIPLINARY HEARING OF A MEMBER OF THE STATE POLICE WHICH
20 PROVIDES FOR DESIGNATION OF OFFICERS BY THE SUPERINTENDENT TO A HEARING
21 BOARD SHALL REQUIRE AN EQUAL NUMBER OF REPRESENTATIVES TO BE NAMED BY
22 THE SUPERINTENDENT AND CERTIFIED OR RECOGNIZED EMPLOYEE REPRESENTATIVE
23 ORGANIZATION OF THE ACCUSED MEMBER. AN ADDITIONAL NEUTRAL PARTY, WHO
24 SHALL NOT BE A MEMBER OR OFFICER OF THE DIVISION OF STATE POLICE, SHALL
25 SIT ON SUCH HEARING BOARD AND SHALL SERVE AS HEARING OFFICER. SUCH ADDI-
26 TIONAL MEMBER SHALL BE CHOSEN JOINTLY BY THE SUPERINTENDENT AND CERTI-
27 FIED OR RECOGNIZED EMPLOYEE REPRESENTATIVE ORGANIZATION OF THE ACCUSED
28 MEMBER IN A MANNER AGREED UPON BY THE SUPERINTENDENT AND CERTIFIED OR
29 RECOGNIZED EMPLOYEE REPRESENTATIVE ORGANIZATION OF THE ACCUSED MEMBER.
30 The superintendent is authorized to charge a fee of twenty dollars as an
31 application fee for any person applying to take a competitive examina-
32 tion for the position of trooper, and a fee of five dollars for any
33 competitive examination for a civilian position. The superintendent
34 shall promulgate regulations subject to the approval of the director of
35 the budget, to provide for a waiver of the application fee when the fee
36 would cause an unreasonable hardship on the applicant and to establish a
37 fee schedule and charge fees for the use of state police facilities.

38 S 2. This act shall take effect immediately.