

8619

2011-2012 Regular Sessions

I N   A S S E M B L Y

September 21, 2011

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Introduced by M. of A. ABBATE -- read once and referred to the Committee  
on Governmental Employees

AN ACT to amend the civil service law, in relation to the hiring of  
police officers in the department of environmental conservation

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

1     Section 1. Subdivision 1 of section 58 of the civil service law, as  
2     amended by chapter 560 of the laws of 1978, the opening paragraph as  
3     amended by chapter 435 of the laws of 1997 and paragraph (a) as amended  
4     by chapter 346 of the laws of 2008, is amended to read as follows:  
5     1. Notwithstanding any other provision of this law or any general,  
6     special or local law to the contrary, no person shall be eligible for  
7     provisional or permanent appointment in the competitive class of the  
8     civil service as a police officer OF THE DEPARTMENT OF ENVIRONMENTAL  
9     CONSERVATION OR of any police force or police department of any county,  
10    city, town, village, housing authority or police district unless he OR  
11    SHE shall satisfy the following basic requirements:  
12    (a) he or she is not less than twenty years of age as of the date of  
13    appointment nor more than thirty-five years of age as of the date when  
14    the applicant takes the written examination, provided that the maximum  
15    age requirement of thirty-five years of age as set forth in this para-  
16    graph shall not apply to eligible lists finalized pursuant to an exam-  
17    ination administered prior to May thirty-first, nineteen hundred nine-  
18    ty-nine OR A POLICE OFFICER IN THE DEPARTMENT OF ENVIRONMENTAL  
19    CONSERVATION, provided, however, that:  
20    (i) time spent on military duty or on terminal leave, not exceeding a  
21    total of six years, shall be subtracted from the age of any applicant  
22    who has passed his or her thirty-fifth birthday as provided in subdivi-  
23    sion ten-a of section two hundred forty-three of the military law;  
24    (ii) such maximum age requirement of thirty-five years shall not apply  
25    to any police officer as defined in subdivision thirty-four of section

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

LBD10961-01-1

1 1.20 of the criminal procedure law, who was continuously employed by the  
2 Buffalo municipal housing authority between January first, two thousand  
3 five and June thirtieth, two thousand five and who takes the next writ-  
4 ten exam offered after the effective date of this subparagraph by the  
5 city of Buffalo civil service commission for employment as a police  
6 officer in the city of Buffalo police department, or June thirtieth, two  
7 thousand six, whichever is later; and

8 (iii) such maximum age requirement of thirty-five years shall not  
9 apply to any police officer of any county, town, city or village police  
10 force not otherwise provided for in this section if the eligible list  
11 has been exhausted and there are no other eligible candidates; provided,  
12 however, the police officer themselves are on the eligible list of such  
13 county, town, city or village and meet all other requirements of merit  
14 and fitness set forth by this chapter and do not exceed the maximum age  
15 of thirty-nine;

16 (b) he OR SHE is a high school graduate or a holder of a high school  
17 equivalency diploma issued by an education department of any of the  
18 states of the United States or a holder of a comparable diploma issued  
19 by any commonwealth, territory or possession of the United States or by  
20 the Canal Zone or a holder of a report from the United States armed  
21 forces certifying his OR HER successful completion of the tests of  
22 general educational development, high school level;

23 (c) he OR SHE satisfies the height, weight and physical fitness  
24 requirements prescribed by the municipal police training council pursu-  
25 ant to the provisions of section eight hundred forty of the executive  
26 law; and

27 (d) he OR SHE is of good moral character.

28 S 2. Subdivision 2 of section 58 of the civil service law, as amended  
29 by chapter 32 of the laws of 1999, is amended to read as follows:

30 2. The provisions of this section shall not prevent any county, city,  
31 town, village, housing authority, transit authority [or], police  
32 district OR THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION from setting  
33 more restrictive requirements of eligibility for its police officers,  
34 except the maximum age to be a police officer as provided in paragraph  
35 (a) of subdivision one of this section.

36 S 3. Subdivision 3 of section 58 of the civil service law, as amended  
37 by chapter 435 of the laws of 1997, is amended to read as follows:

38 3. As used in this section, the term "police officer" means a POLICE  
39 OFFICER IN THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, A member of the  
40 regional state park police or a police force, police department, or  
41 other organization of a county, city, town, village, housing authority,  
42 transit authority or police district, who is responsible for the  
43 prevention and detection of crime and the enforcement of the general  
44 criminal laws of the state, but shall not include any person serving as  
45 such solely by virtue of his OR HER occupying any other office or posi-  
46 tion, nor shall such term include a sheriff, under-sheriff, commissioner  
47 of police, deputy or assistant commissioner of police, chief of police,  
48 deputy or assistant chief of police or any person having an equivalent  
49 title who is appointed or employed to exercise equivalent supervisory  
50 authority.

51 S 4. Paragraphs (a) and (b) of subdivision 4 of section 58 of the  
52 civil service law, as amended by chapter 435 of the laws of 1997, are  
53 amended to read as follows:

54 (a) Any person who has received provisional or permanent appointment  
55 in the competitive class of the civil service as a police officer of the  
56 regional state park police, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1 or any police force or police department of any county, city, town,  
2 village, housing authority, transit authority or police district shall  
3 be eligible to resign from any police force or police department, and to  
4 be appointed as a police officer in the same or any other police force  
5 or police department without satisfying the age requirements set forth  
6 in paragraph (a) of subdivision one of this section at the time of such  
7 second or subsequent appointment, provided such second or subsequent  
8 appointment occurs within thirty days of the date of resignation.

9 (b) Any person who has received permanent appointment in the compet-  
10 itive class of the civil service as a police officer of the regional  
11 state park police, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION or any  
12 police force or police department of any county, city, town, village,  
13 housing authority, transit authority or police district shall be eligi-  
14 ble to resign from any police force or police department and, subject to  
15 such civil service rules as may be applicable, shall be eligible for  
16 reinstatement in the same police force or police department or in any  
17 other police force or police department to which he OR SHE was eligible  
18 for transfer, without satisfying the age requirements set forth in para-  
19 graph (a) of subdivision one of this section at the time of such rein-  
20 statement, provided such reinstatement occurs within one year of the  
21 date of resignation.

22 S 5. This act shall take effect immediately.