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I N   A S S E M B L Y

March 1, 2012

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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 executive law, in relation to longevity in title for  
investigative employees of the division of 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. MEMBERS WHO HAVE BEEN ASSIGNED OR  
7 APPOINTED AS INVESTIGATORS OR SENIOR INVESTIGATORS IN THE BUREAU OF  
8 CRIMINAL INVESTIGATION OR AS A STATION COMMANDER, CORPORAL, ZONE COMMAN-  
9 DER, ZONE SERGEANT, FIRST SERGEANT, STAFF SERGEANT, CAPTAIN OR MAJOR FOR  
10 A PERIOD OF THREE CONTINUOUS YEARS OR MORE MAY BE REMOVED OR DEMOTED  
11 FROM SUCH ASSIGNMENT OR APPOINTMENT ONLY AFTER A HEARING, THE PROCEDURE  
12 OF WHICH SHALL BE IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SUPER-  
13 INTENDENT OF STATE POLICE; PROVIDED, HOWEVER, THAT A HEARING SHALL NOT  
14 BE REQUIRED WHEN REDUCTION IN RANK FROM SUCH POSITION IS BASED SOLELY ON  
15 REASONS OF THE ECONOMY, CONSOLIDATION OR ABOLITION OF FUNCTIONS,  
16 CURTAILMENT OF ACTIVITIES OR OTHERWISE. No person shall be appointed to  
17 the New York state police force as a sworn member unless he or she shall  
18 be a citizen of the United States, between the ages of twenty-one and  
19 twenty-nine years except that in the superintendent's discretion, the  
20 maximum age may be extended to thirty-five years. Notwithstanding any  
21 other provision of law or any general or special law to the contrary the  
22 time spent on military duty, not exceeding a total of six years, shall  
23 be subtracted from the age of any applicant who has passed his or her  
24 twenty-ninth birthday, solely for the purpose of permitting qualifica-  
25 tion as to age and for no other purpose. Such limitations as to age  
26 however shall not apply to persons appointed to the positions of coun-  
27 sel, first assistant counsel, assistant counsel, and assistant deputy  
28 superintendent for employee relations nor to any person appointed to the

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

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1 bureau of criminal investigation pursuant to section two hundred sixteen  
2 of this article nor shall any person be appointed unless he or she has  
3 fitness and good moral character and shall have passed a physical and  
4 mental examination based upon standards provided by the rules and regu-  
5 lations of the superintendent. Appointments shall be made for a proba-  
6 tionary period which, in the case of appointees required to attend and  
7 complete a basic training program at the state police academy, shall  
8 include such time spent attending the basic school and terminate one  
9 year after successful completion thereof. All other sworn members shall  
10 be subject to a probationary period of one year from the date of  
11 appointment. Following satisfactory completion of the probationary peri-  
12 od the member shall be a permanent appointee. Voluntary resignation or  
13 withdrawal from the New York state police during such appointment shall  
14 be submitted to the superintendent for approval. Reasonable time shall  
15 be required to account for all equipment issued or for debts or obli-  
16 gations to the state to be satisfied. Resignation or withdrawal from the  
17 division during a time of emergency, so declared by the governor, shall  
18 not be approved if contrary to the best interest of the state and shall  
19 be a misdemeanor. No sworn member removed from the New York state police  
20 shall be eligible for reappointment. The superintendent shall make rules  
21 and regulations subject to approval by the governor for the discipline  
22 and control of the New York state police and for the examination and  
23 qualifications of applicants for appointment as members thereto and such  
24 examinations shall be held and conducted by the superintendent subject  
25 to such rules and regulations. The superintendent is authorized to  
26 charge a fee of twenty dollars as an application fee for any person  
27 applying to take a competitive examination for the position of trooper,  
28 and a fee of five dollars for any competitive examination for a civilian  
29 position. The superintendent shall promulgate regulations subject to the  
30 approval of the director of the budget, to provide for a waiver of the  
31 application fee when the fee would cause an unreasonable hardship on the  
32 applicant and to establish a fee schedule and charge fees for the use of  
33 state police facilities.

34 S 2. This act shall take effect immediately.