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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to the qualifications for members of the division of state police

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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] AT LEAST twenty-
9 one [and twenty-nine] years [except that in the superintendent's
10 discretion, the maximum age may be extended to thirty-five years] OF
11 AGE. [Notwithstanding any other provision of law or any general or
12 special law to the contrary the time spent on military duty, not exceed-
13 ing a total of six years, shall be subtracted from the age of any appli-
14 cant who has passed his or her twenty-ninth birthday, solely for the
15 purpose of permitting qualification as to age and for no other purpose.
16 Such limitations as to age however shall not apply to persons appointed
17 to the positions of counsel, first assistant counsel, assistant counsel,
18 and assistant deputy superintendent for employee relations nor to any
19 person appointed to the bureau of criminal investigation pursuant to
20 section two hundred sixteen of this article nor shall any] NO person
21 SHALL be appointed unless he or she has fitness and good moral character
22 and shall have passed a physical and mental examination based upon stan-
23 dards provided by the rules and regulations of the superintendent.
24 Appointments shall be made for a probationary period which, in the case

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

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1 of appointees required to attend and complete a basic training program
2 at the state police academy, shall include such time spent attending the
3 basic school and terminate one year after successful completion thereof.
4 All other sworn members shall be subject to a probationary period of one
5 year from the date of appointment. Following satisfactory completion of
6 the probationary period the member shall be a permanent appointee.
7 Voluntary resignation or withdrawal from the New York state police
8 during such appointment shall be submitted to the superintendent for
9 approval. Reasonable time shall be required to account for all equip-
10 ment issued or for debts or obligations to the state to be satisfied.
11 Resignation or withdrawal from the division during a time of emergency,
12 so declared by the governor, shall not be approved if contrary to the
13 best interest of the state and shall be a misdemeanor. No sworn member
14 removed from the New York state police shall be eligible for reappoint-
15 ment. The superintendent shall make rules and regulations subject to
16 approval by the governor for the discipline and control of the New York
17 state police and for the examination and qualifications of applicants
18 for appointment as members thereto and such examinations shall be held
19 and conducted by the superintendent subject to such rules and regu-
20 lations. The superintendent is authorized to charge a fee of twenty
21 dollars as an application fee for any person applying to take a compet-
22 itive examination for the position of trooper, and a fee of five dollars
23 for any competitive examination for a civilian position. The superinten-
24 dent shall promulgate regulations subject to the approval of the direc-
25 tor of the budget, to provide for a waiver of the application fee when
26 the fee would cause an unreasonable hardship on the applicant and to
27 establish a fee schedule and charge fees for the use of state police
28 facilities. THE SUPERINTENDENT SHALL REQUIRE THE RETIREMENT OF ANY
29 MEMBER OF THE NEW YORK STATE POLICE WHO HAS ATTAINED SEVENTY YEARS OF
30 AGE.

31 S 2. This act shall take effect immediately.