

S T A T E O F N E W Y O R K

4931--B

2011-2012 Regular Sessions

I N S E N A T E

May 2, 2011

Introduced by Sens. BONACIC, LIBOUS, MARTINS, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged and said bill committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the town law, the village law and the not-for-profit corporation law, in relation to qualifications to serve as a volunteer firefighter

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

1 Section 1. Subdivision 16 of section 176-b of the town law, as added
2 by chapter 719 of the laws of 1985, is amended to read as follows:
3 16. A person who has been convicted of arson in any degree OR A
4 VIOLATION THAT REQUIRES REGISTRATION UNDER THE SEX OFFENDER REGISTRATION
5 ACT AS ESTABLISHED BY ARTICLE SIX-C OF THE CORRECTION LAW, shall not be
6 eligible to be elected or appointed as a volunteer member of a fire
7 company. The membership of any volunteer member of a fire company shall
8 immediately terminate if he is convicted of arson in any degree OR A
9 VIOLATION THAT REQUIRES REGISTRATION UNDER THE SEX OFFENDER REGISTRATION
10 ACT AS ESTABLISHED BY ARTICLE SIX-C OF THE CORRECTION LAW while a member
11 of a fire company.
12 S 2. Subdivision 17 of section 176-b of the town law, as added by
13 chapter 423 of the laws of 1999, is amended to read as follows:
14 17. Upon application by any person for membership in a fire company
15 operating pursuant to this section, the fire chief shall cause the
16 applicant's background to be checked pursuant to section eight hundred
17 thirty-seven-o of the executive law for a criminal history involving a

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

LBD05389-05-2

1 conviction for arson AND SEARCH THE INTERNET SUBDIRECTORY MANDATED UNDER
2 ARTICLE SIX-C OF THE CORRECTION LAW FOR A CRIMINAL HISTORY INVOLVING
3 CONVICTION FOR A VIOLATION THAT REQUIRES REGISTRATION UNDER SUCH
4 ARTICLE.

5 S 3. Subdivision 18 of section 10-1006 of the village law, as added by
6 chapter 719 of the laws of 1985, is amended to read as follows:

7 18. A person who has been convicted of arson in any degree OR A
8 VIOLATION THAT REQUIRES REGISTRATION UNDER THE SEX OFFENDER REGISTRATION
9 ACT AS ESTABLISHED BY ARTICLE SIX-C OF THE CORRECTION LAW, shall not be
10 eligible to be elected or appointed as a volunteer member of a fire
11 company. The membership of any volunteer member of a fire company shall
12 immediately terminate if he is convicted of arson in any degree OR A
13 VIOLATION THAT REQUIRES REGISTRATION UNDER THE SEX OFFENDER REGISTRATION
14 ACT AS ESTABLISHED BY ARTICLE SIX-C OF THE CORRECTION LAW while a member
15 of a fire company.

16 S 4. Subdivision 19 of section 10-1006 of the village law, as added by
17 chapter 423 of the laws of 1999, is amended to read as follows:

18 19. Upon application by any person for membership in a fire company
19 operating pursuant to this section, the fire chief shall cause the
20 applicant's background to be checked pursuant to section eight hundred
21 thirty-seven-o of the executive law for a criminal history involving a
22 conviction for arson AND SEARCH THE INTERNET SUBDIRECTORY MANDATED UNDER
23 ARTICLE SIX-C OF THE CORRECTION LAW FOR A CRIMINAL HISTORY INVOLVING
24 CONVICTION FOR A VIOLATION THAT REQUIRES REGISTRATION UNDER SUCH
25 ARTICLE.

26 S 5. Subparagraph 4 of paragraph (c) of section 1402 of the not-for-
27 profit corporation law, as added by chapter 719 of the laws of 1985, is
28 amended to read as follows:

29 (4) A person who has been convicted of arson in any degree OR A
30 VIOLATION THAT REQUIRES REGISTRATION UNDER THE SEX OFFENDER REGISTRATION
31 ACT AS ESTABLISHED BY ARTICLE SIX-C OF THE CORRECTION LAW, shall not be
32 eligible to be named in the certificate of incorporation of a fire
33 corporation, or to be elected or appointed as a volunteer member of a
34 fire corporation. The membership of any volunteer member of a fire
35 corporation shall immediately terminate if he OR SHE is convicted of
36 arson in any degree OR A VIOLATION THAT REQUIRES REGISTRATION UNDER THE
37 SEX OFFENDER REGISTRATION ACT AS ESTABLISHED BY ARTICLE SIX-C OF THE
38 CORRECTION LAW while a member of a fire corporation.

39 S 6. Subparagraph 5 of paragraph (c) of section 1402 of the not-for-
40 profit corporation law, as added by chapter 423 of the laws of 1999, is
41 amended to read as follows:

42 (5) Upon application by any person for membership in a fire corpo-
43 ration operating pursuant to this section, the fire chief shall cause
44 the applicant's background to be checked pursuant to section eight
45 hundred thirty-seven-o of the executive law for a criminal history
46 involving a conviction for arson AND SEARCH THE INTERNET SUBDIRECTORY
47 MANDATED UNDER ARTICLE SIX-C OF THE CORRECTION LAW FOR A CRIMINAL HISTO-
48 RY INVOLVING CONVICTION FOR A VIOLATION THAT REQUIRES REGISTRATION UNDER
49 SUCH ARTICLE.

50 S 7. This act shall take effect immediately.