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I N   S E N A T E

January 12, 2012

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Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public officers law, in relation to authorizing non-residents of the county of Allegany to be appointed as peace officers by the society for the prevention of cruelty to animals of such county

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

1     Section 1.     Subdivision 1 of section 3-b of the public officers law,  
2 as amended by chapter 480 of the laws of 2010, is amended to read as  
3 follows:  
4     1. No sheriff of a county, mayor of a city, or official, or other  
5 persons authorized by law to appoint special deputy sheriffs, special  
6 constables, marshals, police officers, or peace officers in this state,  
7 to preserve the public peace or quell public disturbance, shall hereaft-  
8 er, at the instance of any agent, society, association or corporation,  
9 or otherwise, appoint as such special deputy, special constable,  
10 marshal, police officer, or peace officer, any person who shall not be a  
11 citizen of the United States and a resident of the state of New York,  
12 and entitled to vote therein at the time of his appointment, and a resi-  
13 dent of the same county as the mayor or sheriff or other official making  
14 such appointment; provided, however, that when, in the judgment of a  
15 sheriff of a county except those counties within the city of New York a  
16 situation exists which requires temporary additional assistance, such  
17 sheriff may appoint special deputy sheriffs who are non-residents of the  
18 county but residents of the state of New York who shall hold office  
19 until such time as the appointing sheriff determines that the situation  
20 no longer exists; and no person shall assume or exercise the functions,  
21 powers, duties or privileges incident and belonging to the office of  
22 special deputy sheriff, special constables, marshal, police officer, or  
23 peace officer, without having first received his appointment in writing  
24 from the authority lawfully appointing him. Nothing herein contained,  
25 however, shall apply to the appointment of a non-resident, as an emer-

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

LBD13940-01-2

1 gency special deputy sheriff, by the sheriff of any county to act when  
2 such sheriff has declared a state of special emergency pursuant to the  
3 provisions of section two hundred nine-f of the general municipal law.  
4 Any person otherwise qualified who resides in either the county of  
5 Nassau or the county of Suffolk may at the instance of a society for the  
6 prevention of cruelty to animals be appointed as a peace officer by the  
7 appropriate appointing official of either of such counties notwithstanding  
8 that such appointee does not reside in the same county as the  
9 appointing official. PROVIDED, FURTHER, THAT ANY PERSON QUALIFIED WHO  
10 RESIDES IN A COUNTY ADJACENT TO THE COUNTY OF ALLEGANY MAY AT THE  
11 INSTANCE OF THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS FOR THE  
12 COUNTY OF ALLEGANY BE APPOINTED AS A PEACE OFFICER BY THE APPROPRIATE  
13 APPOINTING OFFICIAL OF THE COUNTY OF ALLEGANY.  
14 S 2. This act shall take effect immediately.