

2318

2013-2014 Regular Sessions

I N A S S E M B L Y

January 14, 2013

Introduced by M. of A. GUNTHER -- Multi-Sponsored by -- M. of A. GOODELL, RABBITT, THIELE -- read once and referred to the Committee on Governmental Operations

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
18 conviction for arson AND SEARCH THE INTERNET SUBDIRECTORY MANDATED UNDER
19 ARTICLE SIX-C OF THE CORRECTION LAW FOR A CRIMINAL HISTORY INVOLVING
20 CONVICTION FOR A VIOLATION THAT REQUIRES REGISTRATION UNDER SUCH
21 ARTICLE.

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

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

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

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

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

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

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

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

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

44 S 7. This act shall take effect immediately.