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

7625

2013-2014 Regular Sessions

I N A S S E M B L Y

May 28, 2013

Introduced by M. of A. JORDAN -- read once and referred to the Committee on Correction

AN ACT to amend the town law, the village law and the public health law, in relation to permitting a search of the statewide sex offender registry upon the application by any individual for membership or employment in a police department, fire company or with a provider of ambulance services; and to amend the correction law, in relation to permitting a fire company, police department or provider of ambulance services to deny an employment application in certain circumstances

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

Section 1. Section 176 of the town law is amended by adding a new section 35 to read as follows:

35. SHALL ESTABLISH RULES AND REGULATIONS PERMITTING, UPON APPLICATION BY ANY INDIVIDUAL FOR MEMBERSHIP OR EMPLOYMENT IN A FIRE COMPANY OPERATING PURSUANT TO THIS ARTICLE, INCLUDING BUT NOT LIMITED TO FIRE DISTRICT OFFICERS, CHIEFS AND ASSISTANT CHIEFS OF FIRE DEPARTMENTS, FIRE FIGHTERS AND VOLUNTEER MEMBERS OF FIRE DEPARTMENTS, SUCH FIRE COMPANIES TO CONDUCT OR CAUSE TO BE CONDUCTED A SEARCH OF THE STATEWIDE SEX OFFENDER REGISTRY MANDATED UNDER ARTICLE SIX-C OF THE CORRECTION LAW, TO DETERMINE WHETHER SUCH INDIVIDUAL IS CURRENTLY REGISTERED AS A SEX OFFENDER FOR A CONVICTION OF ANY OFFENSES SET FORTH IN SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW. UPON A DETERMINATION THAT SUCH INDIVIDUAL IS REGISTERED ON THE SEX OFFENDER REGISTRY, A FIRE COMPANY MAY DENY SUCH INDIVIDUAL'S APPLICATION FOR MEMBERSHIP OR EMPLOYMENT.

S 2. Section 10-1000 of the village law is amended by adding a new subdivision 12 to read as follows:

12. UPON APPLICATION BY ANY INDIVIDUAL FOR MEMBERSHIP OR EMPLOYMENT IN A FIRE COMPANY OPERATING PURSUANT TO THIS ARTICLE, INCLUDING BUT NOT LIMITED TO FIRE DISTRICT OFFICERS, CHIEFS AND ASSISTANT CHIEFS OF FIRE DEPARTMENTS, FIRE FIGHTERS AND VOLUNTEER MEMBERS OF FIRE DEPARTMENTS,

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

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MAY CONDUCT OR CAUSE TO BE CONDUCTED A SEARCH OF THE STATEWIDE SEX OFFENDER REGISTRY MANDATED UNDER ARTICLE SIX-C OF THE CORRECTION LAW, TO DETERMINE WHETHER SUCH INDIVIDUAL IS CURRENTLY REGISTERED AS A SEX OFFENDER FOR A CONVICTION OF ANY OFFENSES SET FORTH IN SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW. UPON A DETERMINATION THAT SUCH INDIVIDUAL IS REGISTERED ON THE SEX OFFENDER REGISTRY, A FIRE COMPANY MAY DENY SUCH INDIVIDUAL'S APPLICATION FOR MEMBERSHIP OR EMPLOYMENT.

S 3. Section 150 of the town law is amended by adding a new subdivision 5 to read as follows:

5. THE TOWN BOARD OF A TOWN IN WHICH SUCH POLICE DEPARTMENT HAS BEEN ESTABLISHED SHALL ESTABLISH RULES AND REGULATIONS PERMITTING, UPON APPLICATION BY ANY INDIVIDUAL FOR MEMBERSHIP OR EMPLOYMENT IN A POLICE DEPARTMENT OPERATED PURSUANT TO THIS ARTICLE, INCLUDING BUT NOT LIMITED TO POLICE CHIEFS AND POLICE OFFICERS, SUCH POLICE DEPARTMENT TO CONDUCT OR CAUSE TO BE CONDUCTED A SEARCH OF THE STATEWIDE SEX OFFENDER REGISTRY MANDATED UNDER ARTICLE SIX-C OF THE CORRECTION LAW, TO DETERMINE WHETHER SUCH INDIVIDUAL IS CURRENTLY REGISTERED AS A SEX OFFENDER FOR A CONVICTION OF ANY OFFENSES SET FORTH IN SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW. UPON A DETERMINATION THAT SUCH INDIVIDUAL IS REGISTERED ON THE SEX OFFENDER REGISTRY, A POLICE DEPARTMENT MAY DENY SUCH INDIVIDUAL'S APPLICATION FOR MEMBERSHIP OR EMPLOYMENT.

S 4. Section 8-800 of the village law, as amended by chapter 810 of the laws of 1985, is amended to read as follows:

S 8-800 Police departments. The board of trustees of a village may, by resolution, establish a police department in such village and appoint a chief of police and such personnel as may be needed, and fix their compensation. The board of trustees may abolish a police department established pursuant to this section by local law, subject to permissive referendum, and the department shall be deemed abolished as presented in such proposition. The board of trustees of a village, upon establishing or abolishing a police department, shall notify the commissioner of the division of criminal justice services of such action within thirty days thereafter. THE BOARD OF TRUSTEES SHALL ESTABLISH RULES AND REGULATIONS PERMITTING POLICE DEPARTMENTS, UPON APPLICATION BY ANY INDIVIDUAL FOR MEMBERSHIP OR EMPLOYMENT IN A POLICE DEPARTMENT OPERATED PURSUANT TO THIS ARTICLE, INCLUDING BUT NOT LIMITED TO POLICE CHIEFS AND POLICE OFFICERS, TO CONDUCT A SEARCH OF THE STATEWIDE SEX OFFENDER REGISTRY MANDATED UNDER ARTICLE SIX-C OF THE CORRECTION LAW, TO DETERMINE WHETHER SUCH INDIVIDUAL IS CURRENTLY REGISTERED AS A SEX OFFENDER FOR A CONVICTION OF ANY OFFENSES SET FORTH IN SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW. UPON A DETERMINATION THAT SUCH INDIVIDUAL IS REGISTERED ON THE SEX OFFENDER REGISTRY, A POLICE DEPARTMENT MAY DENY SUCH INDIVIDUAL'S APPLICATION FOR MEMBERSHIP OR EMPLOYMENT.

S 5. Section 3011 of the public health law is amended by adding a new subdivision 12 to read as follows:

12. THE COMMISSIONER SHALL ESTABLISH RULES AND REGULATIONS PERMITTING PROVIDERS OF AMBULANCE SERVICES, INCLUDING BUT NOT LIMITED TO EMERGENCY RESCUE AND FIRST AID SQUADS ESTABLISHED WITHIN FIRE DEPARTMENTS OR COMPANIES, ADVANCED LIFE SUPPORT FIRST RESPONSE SERVICES, VOLUNTARY AMBULANCE SERVICES, VOLUNTARY ADVANCED LIFE SUPPORT FIRST RESPONSE SERVICES, UPON APPLICATION BY ANY INDIVIDUAL FOR MEMBERSHIP OR EMPLOYMENT WITH SUCH PROVIDER OPERATING PURSUANT TO THIS ARTICLE, TO CONDUCT A SEARCH OF THE STATEWIDE SEX OFFENDER REGISTRY MANDATED UNDER ARTICLE

SIX-C OF THE CORRECTION LAW, TO DETERMINE WHETHER SUCH INDIVIDUAL IS CURRENTLY REGISTERED AS A SEX OFFENDER FOR A CONVICTION OF ANY OFFENSES SET FORTH IN SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW. UPON A DETERMINATION THAT SUCH INDIVIDUAL IS REGISTERED ON THE SEX OFFENDER REGISTRY, A PROVIDER OF AMBULANCE SERVICES MAY DENY SUCH INDIVIDUAL'S APPLICATION FOR MEMBERSHIP OR EMPLOYMENT.

S 6. Subdivision 2 of section 752 of the correction law, as amended by chapter 284 of the laws of 2007, is amended and a new subdivision 3 is added to read as follows:

(2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public[.]; OR

(3) AN APPLICANT FOR MEMBERSHIP OR EMPLOYMENT IN A FIRE COMPANY, A POLICE DEPARTMENT OR WITH A PROVIDER OF AMBULANCE SERVICES, AS SET FORTH IN SECTIONS ONE HUNDRED SEVENTY-SIX AND ONE HUNDRED FIFTY OF THE TOWN LAW, SECTIONS 10-1000 AND 8-800 OF THE VILLAGE LAW AND SECTION THREE THOUSAND ELEVEN OF THE PUBLIC HEALTH LAW, IS DETERMINED TO BE REGISTERED ON THE STATEWIDE SEX OFFENDER REGISTRY MANDATED UNDER ARTICLE SIX-C OF THIS CHAPTER FOR A CONVICTION OF ANY OFFENSE SET FORTH IN SECTION ONE HUNDRED SIXTY-EIGHT-A OF THIS CHAPTER.

S 7. This act shall take effect immediately.