

1885--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. BONACIC, LIBOUS, MARTINS, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- 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
18 conviction for arson AND CAUSE THE APPLICANT'S BACKGROUND TO BE CHECKED
19 BY THE DIVISION OF CRIMINAL JUSTICE SERVICES OR A LOCAL LAW ENFORCEMENT
20 AGENCY FOR A CRIMINAL HISTORY INVOLVING A CONVICTION THAT REQUIRES

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

LBD04572-02-3

1 REGISTRATION AS A SEX OFFENDER UNDER ARTICLE SIX-C OF THE CORRECTION
2 LAW.

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

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

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

16 19. Upon application by any person for membership in a fire company
17 operating pursuant to this section, the fire chief shall cause the
18 applicant's background to be checked pursuant to section eight hundred
19 thirty-seven-o of the executive law for a criminal history involving a
20 conviction for arson AND CAUSE THE APPLICANT'S BACKGROUND TO BE CHECKED
21 BY THE DIVISION OF CRIMINAL JUSTICE SERVICES OR A LOCAL LAW ENFORCEMENT
22 AGENCY FOR A CRIMINAL HISTORY INVOLVING A CONVICTION THAT REQUIRES
23 REGISTRATION AS A SEX OFFENDER UNDER ARTICLE SIX-C OF THE CORRECTION
24 LAW.

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

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

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

41 (5) Upon application by any person for membership in a fire corpo-
42 ration operating pursuant to this section, the fire chief shall cause
43 the applicant's background to be checked pursuant to section eight
44 hundred thirty-seven-o of the executive law for a criminal history
45 involving a conviction for arson AND CAUSE THE APPLICANT'S BACKGROUND TO
46 BE CHECKED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES OR A LOCAL LAW
47 ENFORCEMENT AGENCY FOR A CRIMINAL HISTORY INVOLVING A CONVICTION THAT
48 REQUIRES REGISTRATION AS A SEX OFFENDER UNDER ARTICLE SIX-C OF THE
49 CORRECTION LAW.

50 S 7. This act shall take effect immediately.