

1885--B

Cal. No. 805

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. BONACIC, CARLUCCI, FLANAGAN, GRISANTI, LIBOUS, MARCHIONE, 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 -- committee discharged and said bill committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

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1 applicant's background to be checked pursuant to section eight hundred
2 thirty-seven-o of the executive law for a criminal history involving a
3 conviction for arson AND CAUSE THE APPLICANT'S BACKGROUND TO BE CHECKED
4 BY THE DIVISION OF CRIMINAL JUSTICE SERVICES OR A LOCAL LAW ENFORCEMENT
5 AGENCY FOR A CRIMINAL HISTORY INVOLVING A CONVICTION THAT REQUIRES
6 REGISTRATION AS A SEX OFFENDER UNDER ARTICLE SIX-C OF THE CORRECTION
7 LAW.

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

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

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

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

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

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

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

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

55 S 7. This act shall take effect on the ninetieth day after it shall
56 have become a law.