

2318--B

2013-2014 Regular Sessions

I N A S S E M B L Y

January 14, 2013

Introduced by M. of A. GUNTHER, SCHIMMINGER, MAISEL, WALTER, TEDISCO, BRINDISI, COOK, RIVERA, COLTON, GALEF, SCHIMEL, JAFFEE, SKOUFIS, FAHY, MORELLE, STIRPE, HENNESSEY, ZEBROWSKI, MAGEE, ROBERTS, MOSLEY, P. LOPEZ, McDONOUGH -- Multi-Sponsored by -- M. of A. ABINANTI, BARRETT, BLANKENBUSH, BUCHWALD, CROUCH, DUPREY, FRIEND, GABRYSZAK, GIGLIO, GJONAJ, GOODELL, GRAF, HAWLEY, McDONALD, McLAUGHLIN, PAULIN, RABBITT, SIMANOWITZ, SKARTADOS, SWEENEY, THIELE, WEISENBERG -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- 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:

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

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

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

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

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

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

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

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

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

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

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