

1885

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

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.

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

LBD04572-01-3

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

3 18. 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 4. Subdivision 19 of section 10-1006 of the village law, as added by
13 chapter 423 of the laws of 1999, is amended to read as follows:

14 19. 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 5. Subparagraph 4 of paragraph (c) of section 1402 of the not-for-
23 profit corporation law, as added by chapter 719 of the laws of 1985, is
24 amended to read as follows:

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

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

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

46 S 7. This act shall take effect immediately.