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

9383

I N A S S E M B L Y

February 29, 2016

Introduced by M. of A. GOLDFEDER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to peace officer residency requirements

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

Section 1. The section heading and subdivision 1 of section 3-b of the public officers law, the section heading as amended by chapter 404 of the laws of 2011 and subdivision 1 as amended by chapter 497 of the laws of 2012, are amended to read as follows:

Special peace officers to be citizens OR LAWFUL PERMANENT RESIDENTS; other residency requirements. 1. No sheriff of a county, mayor of a city, or official, or other persons authorized by law to appoint special deputy sheriffs, special constables, marshals, police officers, or peace officers in this state, to preserve the public peace or quell public disturbance, shall hereafter, at the instance of any agent, society, association or corporation, or otherwise, appoint as such special deputy, special constable, marshal, police officer, or peace officer, any person who shall not be a citizen of the United States OR SHALL NOT HAVE BEEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCY PURSUANT TO FEDERAL LAW FOR AT LEAST TWENTY YEARS and a resident of the state of New York, and, IF SUCH PERSON IS A CITIZEN OF THE UNITED STATES, entitled to vote therein at the time of his appointment, and a resident of the same county as the mayor or sheriff or other official making such appointment; provided, however, that when, in the judgment of a sheriff of a county except those counties within the city of New York a situation exists which requires temporary additional assistance, such sheriff may appoint special deputy sheriffs who are non-residents of the county but residents of the state of New York who shall hold office until such time as the appointing sheriff determines that the situation no longer exists; and no person shall assume or exercise the functions, powers, duties or privileges incident and belonging to the office of special deputy sheriff, special constables, marshal, police officer, or peace officer, without having first received his appointment in writing from the

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

LBD14025-04-6

authority lawfully appointing him. IN THE CASE OF APPOINTMENT OF A PERSON WHO HAS BEEN A LAWFUL PERMANENT RESIDENT OF THE UNITED STATES FOR AT LEAST TWENTY YEARS, SUCH PERSON SHALL HAVE DEMONSTRATED TO THE SATISFACTION OF THE APPOINTING AUTHORITY THAT HE IS OF GOOD MORAL CHARACTER AND HAS EITHER ENGAGED IN VOLUNTARY COMMUNITY SERVICE EACH YEAR FOR THE PRECEDING TEN YEARS OR HAS BEEN HONORABLY DISCHARGED FROM THE UNITED STATES ARMED SERVICES. Nothing herein contained, however, shall apply to the appointment of a non-resident, as an emergency special deputy sheriff, by the sheriff of any county to act when such sheriff has declared a state of special emergency pursuant to the provisions of section two hundred nine-f of the general municipal law. Any person otherwise qualified who resides in either the county of Nassau or the county of Suffolk may at the instance of a society for the prevention of cruelty to animals be appointed as a peace officer by the appropriate appointing official of either of such counties notwithstanding that such appointee does not reside in the same county as the appointing official. Provided, further, that any person qualified who resides in a county adjacent to the county of Allegany may at the instance of the society for the prevention of cruelty to animals for the county of Allegany be appointed as a peace officer by the appropriate appointing official of the county of Allegany.

S 2. This act shall take effect immediately.