

# STATE OF NEW YORK

7898

## IN SENATE

March 7, 2018

Introduced by Sens. GALLIVAN, BONACIC -- read twice and ordered printed,  
and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to sworn members of the  
New York state police

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Subdivision 3 of section 215 of the executive law, as  
2 amended by chapter 478 of the laws of 2004, is amended to read as  
3 follows:

4 3. The sworn members of the New York state police shall be appointed  
5 by the superintendent and permanent appointees may be removed by the  
6 superintendent only after a hearing. Members who have been assigned or  
7 appointed as investigators or senior investigators in the bureau of  
8 criminal investigation or as a station commander, zone commander, zone  
9 sergeant, first sergeant, staff sergeant, chief technical sergeant,  
10 technical lieutenant, captain or major for a period of three continuous  
11 years or more may be removed or demoted from such assignment or appoint-  
12 ment only after a hearing, the procedure of which shall be in accordance  
13 with regulations adopted by the superintendent of state police;  
14 provided, however, that a hearing shall not be required when reduction  
15 in rank from such position is based solely on reasons of the economy,  
16 consolidation or abolition of functions, or curtailment of activities.

17 No person shall be appointed to the New York state police force as a  
18 sworn member unless he or she shall be a citizen of the United States,  
19 between the ages of twenty-one and twenty-nine years except that in the  
20 superintendent's discretion, the maximum age may be extended to thirty-  
21 five years. Notwithstanding any other provision of law or any general or  
22 special law to the contrary the time spent on military duty, not exceed-  
23 ing a total of six years, shall be subtracted from the age of any appli-  
24 cant who has passed his or her twenty-ninth birthday, solely for the  
25 purpose of permitting qualification as to age and for no other purpose.  
26 Such limitations as to age however shall not apply to persons appointed  
27 to the positions of counsel, first assistant counsel, assistant counsel,  
28 and assistant deputy superintendent for employee relations nor to any

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

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1 person appointed to the bureau of criminal investigation pursuant to  
2 section two hundred sixteen of this article nor shall any person be  
3 appointed unless he or she has fitness and good moral character and  
4 shall have passed a physical and mental examination based upon standards  
5 provided by the rules and regulations of the superintendent. Appoint-  
6 ments shall be made for a probationary period which, in the case of  
7 appointees required to attend and complete a basic training program at  
8 the state police academy, shall include such time spent attending the  
9 basic school and terminate one year after successful completion thereof.  
10 All other sworn members shall be subject to a probationary period of one  
11 year from the date of appointment. Following satisfactory completion of  
12 the probationary period the member shall be a permanent appointee.  
13 Voluntary resignation or withdrawal from the New York state police  
14 during such appointment shall be submitted to the superintendent for  
15 approval. Reasonable time shall be required to account for all equip-  
16 ment issued or for debts or obligations to the state to be satisfied.  
17 Resignation or withdrawal from the division during a time of emergency,  
18 so declared by the governor, shall not be approved if contrary to the  
19 best interest of the state and shall be a misdemeanor. No sworn member  
20 removed from the New York state police shall be eligible for reappoint-  
21 ment. The superintendent shall make rules and regulations subject to  
22 approval by the governor for the discipline and control of the New York  
23 state police and for the examination and qualifications of applicants  
24 for appointment as members thereto and such examinations shall be held  
25 and conducted by the superintendent subject to such rules and regu-  
26 lations. The superintendent is authorized to charge a fee of twenty  
27 dollars as an application fee for any person applying to take a compet-  
28 itive examination for the position of trooper, and a fee of five dollars  
29 for any competitive examination for a civilian position. The superinten-  
30 dent shall promulgate regulations subject to the approval of the direc-  
31 tor of the budget, to provide for a waiver of the application fee when  
32 the fee would cause an unreasonable hardship on the applicant and to  
33 establish a fee schedule and charge fees for the use of state police  
34 facilities.

35 § 2. This act shall take effect immediately.