

# STATE OF NEW YORK

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8876

## IN SENATE

May 31, 2018

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public officers law, in relation to the appointment of peace officers in the county of Rockland

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

1 Section 1. Subdivision 1 of section 3-b of the public officers law, as  
2 amended by chapter 497 of the laws of 2012, is amended to read as  
3 follows:

4 1. No sheriff of a county, mayor of a city, or official, or other  
5 persons authorized by law to appoint special deputy sheriffs, special  
6 constables, marshals, police officers, or peace officers in this state,  
7 to preserve the public peace or quell public disturbance, shall hereaft-  
8 er, at the instance of any agent, society, association or corporation,  
9 or otherwise, appoint as such special deputy, special constable,  
10 marshal, police officer, or peace officer, any person who shall not be a  
11 citizen of the United States and a resident of the state of New York,  
12 and entitled to vote therein at the time of his appointment, and a resi-  
13 dent of the same county as the mayor or sheriff or other official making  
14 such appointment; provided, however, that when, in the judgment of a  
15 sheriff of a county except those counties within the city of New York a  
16 situation exists which requires temporary additional assistance, such  
17 sheriff may appoint special deputy sheriffs who are non-residents of the  
18 county but residents of the state of New York who shall hold office  
19 until such time as the appointing sheriff determines that the situation  
20 no longer exists; and no person shall assume or exercise the functions,  
21 powers, duties or privileges incident and belonging to the office of  
22 special deputy sheriff, special constables, marshal, police officer, or  
23 peace officer, without having first received his appointment in writing  
24 from the authority lawfully appointing him. Nothing herein contained,  
25 however, shall apply to the appointment of a non-resident, as an emer-  
26 gency special deputy sheriff, by the sheriff of any county to act when  
27 such sheriff has declared a state of special emergency pursuant to the

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

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1 provisions of section two hundred nine-f of the general municipal law.  
2 [~~Any~~ Provided further, that any person otherwise qualified who resides  
3 in either the county of Nassau or the county of Suffolk may at the  
4 instance of a society for the prevention of cruelty to animals be  
5 appointed as a peace officer by the appropriate appointing official of  
6 either of such counties notwithstanding that such appointee does not  
7 reside in the same county as the appointing official. Provided, further,  
8 that any person qualified who resides in a county adjacent to the county  
9 of Allegany may at the instance of the society for the prevention of  
10 cruelty to animals for the county of Allegany be appointed as a peace  
11 officer by the appropriate appointing official of the county of Allega-  
12 ny. Provided, further, that any person otherwise qualified who resides  
13 in the county of Orange or Westchester may at the instance of the socie-  
14 ty for the prevention of cruelty to animals for the county of Rockland  
15 be appointed as a peace officer by the appropriate appointing official  
16 of the county of Rockland.

17 § 2. This act shall take effect immediately.