

STATE OF NEW YORK

9877

IN ASSEMBLY

February 15, 2018

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

AN ACT to amend the public officers law, in relation to residency requirements for certain peace officers in Albany county

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
28 provisions of section two hundred nine-f of the general municipal law.

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

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1 Any person otherwise qualified who resides in either the county of
2 Nassau or the county of Suffolk may at the instance of a society for the
3 prevention of cruelty to animals be appointed as a peace officer by the
4 appropriate appointing official of either of such counties notwithstanding
5 that such appointee does not reside in the same county as the
6 appointing official. Provided, further, that any person qualified who
7 resides in a county adjacent to the county of Allegany may at the
8 instance of the society for the prevention of cruelty to animals for the
9 county of Allegany be appointed as a peace officer by the appropriate
10 appointing official of the county of Allegany. Provided, further, that
11 any person qualified who resides in a county adjacent to the county of
12 Albany may at the instance of the society for the prevention of cruelty
13 to animals for the county of Albany be appointed as a peace officer by
14 the appropriate appointing official of the county of Albany.

15 § 2. This act shall take effect immediately.