

# STATE OF NEW YORK

10877

## IN ASSEMBLY

July 24, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Aubry) --  
read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law and the administrative code of the  
city of New York, in relation to the hiring of certain police officers

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

1 Section 1. Section 58 of the civil service law is amended by adding a  
2 new subdivision 7 to read as follows:

3 7. (a) Notwithstanding the provisions of any other general, special or  
4 local law to the contrary, no person shall be eligible for appointment  
5 as a police officer where such person was previously employed as a  
6 police officer and where such person: (i) was dismissed for malfeasance  
7 or other serious misconduct calling into question such person's fitness  
8 to serve as a police officer; or (ii) resigned or retired from such  
9 officer's position while under investigation for such malfeasance or  
10 other serious misconduct.

11 (b) Any law enforcement agency that has knowledge that any former  
12 police officer of such agency who: (i) was dismissed for malfeasance or  
13 other serious misconduct; or (ii) resigned or retired from such offi-  
14 cer's position while under investigation for such malfeasance or other  
15 serious misconduct; and is an applicant for the position of police offi-  
16 cer with any other law enforcement agency, shall inform such other agen-  
17 cy of such dismissal, resignation or retirement.

18 (c) The provisions of this subdivision shall not apply to any police  
19 officer who is exonerated of each allegation against such officer of  
20 such malfeasance or other serious misconduct.

21 (d) For purposes of this subdivision, the following terms shall have  
22 the following meanings:

23 (i) "malfeasance" means the commonly approved usage of "malfeasance";  
24 (ii) "serious misconduct" means improper or illegal actions taken by a  
25 police officer in connection with such officer's official duties that  
26 could result in a miscarriage of justice or discrimination, including,  
27 but not limited to, (A) a conviction of a felony, (B) fabrication of

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

LBD16584-03-0

1 evidence, (C) repeated use of excessive force, (D) acceptance of a  
2 bribe, or (E) the commission of fraud; and

3 (iii) "law enforcement agency" means any agency which is empowered by  
4 law to conduct an investigation or to make an arrest for a felony, and  
5 any agency which is authorized by law to prosecute or participate in the  
6 prosecution of a felony.

7 § 2. Section 14-109 of the administrative code of the city of New York  
8 is amended by adding a new subdivision c to read as follows:

9 c. (i) Notwithstanding the provisions of any other section of general,  
10 special or local law to the contrary, no person shall be eligible for  
11 appointment as a police officer where such person was previously  
12 employed as a police officer and where such person: (a) was dismissed  
13 for malfeasance or other serious misconduct calling into question such  
14 person's fitness to serve as a police officer; or (b) resigned or  
15 retired from such officer's position while under investigation for  
16 such malfeasance or other serious misconduct.

17 (ii) Any law enforcement agency that has knowledge that any  
18 former police officer of such agency who: (a) was dismissed for malfea-  
19 sance or other serious misconduct; or (b) resigned or retired from such  
20 officer's position while under investigation for such malfeasance or  
21 other serious misconduct; and who is an applicant for the position of  
22 police officer with any other law enforcement agency, shall inform  
23 such other agency of such dismissal, resignation or retirement.

24 (iii) The provisions of this subdivision shall not apply to any  
25 police officer who is exonerated of each allegation against such  
26 officer of such malfeasance or other serious misconduct.

27 (iv) For purposes of this subdivision, the following terms shall have  
28 the following meanings:

29 (A) "malfeasance" means the commonly approved usage of "malfeasance";

30 (B) "serious misconduct" means improper or illegal actions taken by a  
31 police officer in connection with such officer's official duties that  
32 could result in a miscarriage of justice or discrimination, including,  
33 but not limited to, (1) a conviction of a felony, (2) fabrication of  
34 evidence, (3) repeated use of excessive force, (4) acceptance of a  
35 bribe, or (5) the commission of fraud; and

36 (C) "law enforcement agency" means any agency which is empowered by  
37 law to conduct an investigation or to make an arrest for a felony, and  
38 any agency which is authorized by law to prosecute or participate in the  
39 prosecution of a felony.

40 § 3. This act shall take effect immediately.