

# STATE OF NEW YORK

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8088

## IN SENATE

March 17, 2020

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Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the village law, in relation to an employer's ability to suspend a police officer without pay pending disciplinary charges

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

1 Section 1. Subdivision 1 of section 8-804 of the village law, as  
2 amended by chapter 523 of the laws of 1976, is amended to read as  
3 follows:  
4 1. Except as otherwise provided by law, a member of such police force  
5 or department shall continue in office unless suspended or dismissed.  
6 The board of trustees or municipal board shall have power and is author-  
7 ized to adopt and make rules and regulations for the examination, hear-  
8 ing, investigation and determination of charges, made or preferred  
9 against any member or members of such police force or department. Except  
10 as otherwise provided, no member or members of such police force or  
11 department shall be fined, reprimanded, suspended, removed or dismissed  
12 until written charges shall have been examined, heard and investigated  
13 in such manner or procedure, practice, examination and investigation as  
14 the board may by rules and regulations from time to time prescribe. Any  
15 member of such police force or department at the time of the hearing or  
16 trial of such charges shall have the right to a public hearing and trial  
17 and to be represented by counsel at any such hearing or trial, and any  
18 person who shall have preferred such charges or any part of the same  
19 shall not sit as judge upon such hearing or trial. Any and all witnesses  
20 produced in such support of all or any part of such charges shall testi-  
21 fy thereto under oath. Any member of such force or department who shall  
22 have been so dismissed shall not be reinstated as a member of such force  
23 or department unless he shall within twelve months of his dismissal file  
24 with such board a written application for a rehearing of the charges  
25 upon which he was dismissed. Such board shall have the power to rehear  
26 such charges and, in its discretion, reinstate a member of the force or  
27 department after he has filed such written application therefor. Any  
28 member of such force or department found guilty upon charges, after five

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

LBD15866-01-0

1 days' notice and an opportunity to be heard in his defense, of neglect  
2 or dereliction in the performance of official duty, or violation of  
3 rules and regulations, or disobedience, or incompetency, to perform  
4 official duty, or an act of delinquency seriously affecting his general  
5 character or fitness for office, may be punished by the board of trus-  
6 tees or other municipal board having jurisdiction, by reprimand, forfei-  
7 ture and the withholding of salary or compensation for a specified time  
8 not exceeding twenty days, suspension from duty for a specified time not  
9 exceeding twenty days and the withholding of salary or compensation  
10 during such suspension, or by dismissal from the department. [~~Such~~]  
11 Notwithstanding chapters one hundred four and five hundred twenty-four  
12 of the laws of nineteen hundred thirty-six, such board shall have the  
13 power to suspend, without pay for a period not to exceed thirty days,  
14 pending the trial of charges, any member of such police force or depart-  
15 ment. If any member of such police force or department so suspended  
16 shall not be convicted by such board of the charges so preferred, he  
17 shall be entitled to full pay from the date of suspension, notwithstand-  
18 ing such charges and suspension.  
19 § 2. This act shall take effect immediately.