STATE OF NEW YORK

5821--A

2019-2020 Regular Sessions

IN ASSEMBLY

February 19, 2019

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the town law, in relation to the 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:

Section 1. The second undesignated paragraph of section 155 of the town law, as amended by chapter 310 of the laws of 1962, is amended to read as follows:

Any member of such department found guilty upon charges, after five days' notice and an opportunity to be heard in his defense, of neglect or dereliction in the performance of official duty, or of violation of rules or regulations or disobedience, or of incompetency to perform official duty, or of an act of delinquency seriously affecting his general character or fitness for office, may be punished by the town board having jurisdiction, by reprimand, by forfeiture and withholding of salary or compensation for a specified time not exceeding twenty days, by extra tours or hours of duty during a specified period not exceeding twenty days, by suspension from duty for a specified time not exceeding twenty days and the withholding of salary or compensation during such suspension, or by dismissal from the department. [~~Such~~] **Notwithstanding chapters one hundred four and five hundred twenty-four of the laws of nineteen hundred thirty-six, such** board shall have the power to suspend, without pay, pending the trial of charges, any member of such police department **in accordance with subdivision three of section seventy-five of the civil service law**. If any member of such police department so suspended shall not be convicted of the charges so preferred, he shall be entitled to full pay from the date of suspension. The conviction of a member of such police department by the town board

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

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shall be subject to review by the supreme court in the judicial district in which such town is located in the manner provided by article seventy-eight of the civil practice law and rules, provided that the proceeding is commenced within thirty days from the determination of such conviction by the town board.

§ 2. This act shall take effect immediately.