STATE OF NEW YORK

8088

IN SENATE

March 17, 2020

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:

Section 1. Subdivision 1 of section 8-804 of the village law, as amended by chapter 523 of the laws of 1976, is amended to read as follows:

1. Except as otherwise provided by law, a member of such police force or department shall continue in office unless suspended or dismissed. The board of trustees or municipal board shall have power and is authorized to adopt and make rules and regulations for the examination, hearing, investigation and determination of charges, made or preferred against any member or members of such police force or department. Except as otherwise provided, no member or members of such police force or department shall be fined, reprimanded, suspended, removed or dismissed until written charges shall have been examined, heard and investigated in such manner or procedure, practice, examination and investigation as the board may by rules and regulations from time to time prescribe. Any member of such police force or department at the time of the hearing or trial of such charges shall have the right to a public hearing and trial and to be represented by counsel at any such hearing or trial, and any person who shall have preferred such charges or any part of the same shall not sit as judge upon such hearing or trial. Any and all witnesses produced in such support of all or any part of such charges shall testify thereto under oath. Any member of such force or department who shall have been so dismissed shall not be reinstated as a member of such force or department unless he shall within twelve months of his dismissal file with such board a written application for a rehearing of the charges upon which he was dismissed. Such board shall have the power to rehear such charges and, in its discretion, reinstate a member of the force or department after he has filed such written application therefor. Any 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.

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days' notice and an opportunity to be heard in his defense, of neglect or dereliction in the performance of official duty, or violation of rules and regulations, or disobedience, or incompetency, to perform official duty, or an act of delinquency seriously affecting his general character or fitness for office, may be punished by the board of trustees or other municipal board having jurisdiction, by reprimand, forfeiture and the withholding of salary or compensation for a specified time not exceeding twenty days, 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 for a period not to exceed thirty days, pending the trial of charges, any member of such police force or department. If any member of such police force or department so suspended shall not be convicted by such board of the charges so preferred, he shall be entitled to full pay from the date of suspension, notwithstanding such charges and suspension.

§ 2. This act shall take effect immediately.