

STATE OF NEW YORK

6867

2021-2022 Regular Sessions

IN ASSEMBLY

April 13, 2021

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

AN ACT to amend the executive law, the county law, the town law and chapter 360 of the laws of 1911 relating to police in certain municipalities, in relation to prohibit the transfer, acceptance, or purchase of military weapons or machinery from the United States government

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

1 Section 1. Section 212 of the executive law, as amended by chapter 83
2 of the laws of 1995, is amended to read as follows:

3 § 212. Equipment. The superintendent is authorized on behalf of the
4 state to purchase, lease or lease-purchase, within the amounts appropriated therefor, necessary equipment and supplies, including but not
5 limited to, vehicles and aircraft subject to the approval of the director of the budget, and uniforms; when any state property shall become
6 unfit for use it shall be disposed of in accordance with the provisions
7 of the finance law. The superintendent, or his or her deputies, shall
8 not authorize the transfer, acceptance, or purchase of military weapons,
9 gear, or machinery from the United States government.

10 § 2. Section 656 of the county law is amended to read as follows:

11 § 656. Emergency equipment and apparatus. If, in the protection of
12 human life and property, the sheriff shall deem it necessary to hire any
13 equipment or apparatus together with the operator thereof, he may hire
14 the same during the period of an emergency or catastrophe at a reasonable
15 charge therefor. The same shall be audited and paid as a county
16 charge in the manner prescribed by the board of supervisors, and in the
17 discretion of such board, there may be a direction that the further
18 hiring and payment be approved by the chairman of the board or of a
19 designated committee of such board. The sheriff, or his or her deputies,
20 shall not authorize the transfer, acceptance, or purchase of military
21 weapons, gear, or machinery from the United States government.

22 § 3. Subdivision 1 of section 150 of the town law, as amended by chapter
23 476 of the laws of 2018, is amended to read as follows:
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EXPLANATION--Matter in italics (underscoring) is new; matter in brackets
[-] is old law to be omitted.

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1 1. The town board of any town may establish a police department and
2 appoint a chief of police and such officers as may be needed and fix
3 their compensation. The compensation of such police officers shall be a
4 town charge; providing however, no assessment on property in any village
5 within any town or partially within any town shall be made for the main-
6 tenance or operation of a town police department established after Janu-
7 ary first, nineteen hundred sixty, pursuant to this section if any such
8 village maintains a police department of four or more police officers on
9 an annual full-time basis, established and maintained under the rules of
10 civil service. The town board may, at its option, determine that the
11 town shall pay all or part of the cost of the uniforms and necessary
12 equipment of its police officers, and may purchase such equipment for
13 use by the police department as it shall deem necessary, including
14 police patrol vehicles, and emergency service vehicles for police use in
15 connection with accidents, public calamities or other emergencies. The
16 town board or local police department shall not authorize the transfer,
17 acceptance, or purchase of military weapons, gear, or machinery from the
18 United States government. No assessment on property in any village with-
19 in any town in the county of Suffolk or in any village within the town
20 of Fallsburgh shall be made for the maintenance or operation of such
21 town police department, if any such village maintains a police depart-
22 ment of two or more police officers on an annual basis. In the event
23 that a town has established a police department prior to January first,
24 nineteen hundred sixty, the town board of such town may enter into an
25 agreement with any village within it or partially within it which main-
26 tains a police department of four or more police officers on an annual
27 full-time basis, established and maintained under the rules of civil
28 service and determine therein what part of the cost thereof shall be
29 assessed against the property in the village and what part thereof shall
30 be assessed against the property in the town outside of the village.
31 Thereafter such portion of the cost thereof determined to be assessed
32 outside of the village shall be a charge against that part of the town
33 outside of the village and assessed, levied and collected from the taxa-
34 ble property of that part of the town outside of the village. When
35 appointed, such police officers shall have all the powers and be subject
36 to all the duties and liabilities of a police officer in all criminal
37 actions and proceedings and special proceedings of a criminal nature.

38 § 4. Chapter 360 of the laws of 1911 relating to police in certain
39 municipalities is amended by adding a new section 4-a to read as
40 follows:

41 § 4-a. Any commissioner of police, superintendent of police, chief of
42 police, or other officer or officers, having the management, control or
43 direction of the police force is authorized to purchase, lease or lease-
44 purchase, necessary equipment of his or her police officers, and may
45 purchase such equipment for use by the police department as he or she
46 shall deem necessary, including police patrol vehicles, and emergency
47 service vehicles for police use in connection with accidents, public
48 calamities or other emergencies. The commissioner of police, superinten-
49 dent of police, chief of police, or other officer or officers, having
50 the management, control or direction of the police force shall not
51 authorize the transfer, acceptance, or purchase of military weapons,
52 gear, or machinery from the United States government.

53 § 5. This act shall take effect immediately.