

# STATE OF NEW YORK

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2984

2021-2022 Regular Sessions

## IN SENATE

January 26, 2021

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Introduced by Sens. PARKER, COMRIE, HOYLMAN, JACKSON, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public officers law, in relation to residency requirements for police officers in a city with a population of one million or more

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

1 Section 1. Subdivision 2 of section 3 of the public officers law, as  
2 amended by chapter 1004 of the laws of 1966, is amended to read as  
3 follows:

4 2. [~~Neither~~] In a city with a population less than one million,  
5 neither the provisions of this section or of any general, special or  
6 local law, charter, code, ordinance, resolution, rule or regulation,  
7 requiring a person to be a resident of the political subdivision or  
8 municipal corporation of the state for which he or she shall be chosen  
9 or within which his official functions are required to be exercised,  
10 shall apply to the appointment of a person as a member of the police  
11 force of any political subdivision or municipal corporation of the state  
12 if such person resides (a) in the county in which such political subdivi-  
13 sion or municipal corporation is located; or (b) in a county within  
14 the state contiguous to the county in which such political subdivision  
15 or municipal corporation is located; or (c) in a county within the state  
16 contiguous to such political subdivision or municipal corporation; or  
17 (d) in a county within the state contiguous to a county described in  
18 item (c) hereof where the former is less than fifteen miles from such  
19 political subdivision or municipal corporation, measured from their  
20 respective nearest boundary lines; or (e) in a county within the state  
21 contiguous to a county described in item (d) hereof where the former is  
22 less than thirty miles from such political subdivision or municipal  
23 corporation, measured from their respective nearest boundary lines.

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

LBD06217-01-1

1     § 2. Subdivision 19 of section 3 of the public officers law, as added  
2 by chapter 509 of the laws of 1986, is amended to read as follows:

3     19. Any person who resides in this state and who is currently employed  
4 as [~~a member of the police force,~~] a paid member of the uniformed force  
5 of a paid fire department or department of corrections in the correc-  
6 tional service classification of the classified civil service, of a city  
7 of over one million population, shall be exempt from the provisions of  
8 subdivisions one, two and nine of this section upon compliance with the  
9 procedure set forth in this subdivision. Any person seeking to benefit  
10 from the exemption created by this subdivision shall notify his respec-  
11 tive employer in writing of said intention within thirty days from the  
12 effective date of this subdivision and shall specify his or her then  
13 current residence address. The exemption created by this subdivision  
14 shall be applicable only to said actual designated residence and not to  
15 any residence that any subject currently employed member may thereafter  
16 establish; provided, however, that any such currently employed member  
17 who resides outside this state shall have one year from the effective  
18 date of this subdivision within which to establish residence as required  
19 pursuant to subdivisions one, two and nine of this section and comply  
20 with the notice requirements of this subdivision. Said residence shall  
21 constitute a lawful residence for all purposes notwithstanding any  
22 provision to the contrary of any general, special or local law, charter,  
23 code, ordinance, resolution, rule or regulation.

24     § 3. Section 3 of the public officers law is amended by adding a new  
25 subdivision 19-a to read as follows:

26     19-a. In a city with a population of one million or more, any person  
27 appointed as a paid member of the police force of such city shall become  
28 a resident of any political subdivision or municipal corporation within  
29 such city within one year of his or her appointment and shall continue  
30 to reside within any such political subdivision or municipal corpo-  
31 ration. No person appointed as a paid member of such police force may  
32 continue such employment unless he or she complies with the provisions  
33 of this subdivision.

34     § 4. Paragraph 1 of subdivision 4 of section 30 of the public officers  
35 law, as amended by chapter 173 of the laws of 1962, is amended to read  
36 as follows:

37     (1) If such person was appointed as a member of such police force  
38 prior to [~~July first, nineteen hundred sixty-one~~] January first, two  
39 thousand twenty-two, shall reside in any such county on such date and  
40 shall continue to reside in any such county after such date, or

41     § 5. This act shall take effect immediately.