

# STATE OF NEW YORK

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6540

2021-2022 Regular Sessions

## IN SENATE

May 5, 2021

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Introduced by Sen. COONEY -- 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 certain peace officers in Monroe county

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

1 Section 1. Subdivision 1 of section 3-b of the public officers law, as  
2 separately amended by chapters 145 and 175 of the laws of 2018, is  
3 amended to read as follows:  
4 1. No sheriff of a county, mayor of a city, or official, or other  
5 persons authorized by law to appoint special deputy sheriffs, special  
6 constables, marshals, police officers, or peace officers in this state,  
7 to preserve the public peace or quell public disturbance, shall hereaft-  
8 er, at the instance of any agent, society, association or corporation,  
9 or otherwise, appoint as such special deputy, special constable,  
10 marshal, police officer, or peace officer, any person who shall not be a  
11 citizen of the United States and a resident of the state of New York,  
12 and entitled to vote therein at the time of his appointment, and a resi-  
13 dent of the same county as the mayor or sheriff or other official making  
14 such appointment; provided, however, that when, in the judgment of a  
15 sheriff of a county except those counties within the city of New York a  
16 situation exists which requires temporary additional assistance, such  
17 sheriff may appoint special deputy sheriffs who are non-residents of the  
18 county but residents of the state of New York who shall hold office  
19 until such time as the appointing sheriff determines that the situation  
20 no longer exists; and no person shall assume or exercise the functions,  
21 powers, duties or privileges incident and belonging to the office of  
22 special deputy sheriff, special constables, marshal, police officer, or  
23 peace officer, without having first received his appointment in writing  
24 from the authority lawfully appointing him. Nothing herein contained,

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

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1 however, shall apply to the appointment of a non-resident, as an emer-  
2 gency special deputy sheriff, by the sheriff of any county to act when  
3 such sheriff has declared a state of special emergency pursuant to the  
4 provisions of section two hundred nine-f of the general municipal law.  
5 Provided further, that any person otherwise qualified who resides in  
6 either the county of Nassau or the county of Suffolk may at the instance  
7 of a society for the prevention of cruelty to animals be appointed as a  
8 peace officer by the appropriate appointing official of either of such  
9 counties notwithstanding that such appointee does not reside in the same  
10 county as the appointing official. Provided, further, that any person  
11 qualified who resides in a county adjacent to the county of Allegany may  
12 at the instance of the society for the prevention of cruelty to animals  
13 for the county of Allegany be appointed as a peace officer by the appro-  
14 priate appointing official of the county of Allegany. Provided, further,  
15 that any person qualified who resides in a county adjacent to the county  
16 of Albany may at the instance of the society for the prevention of  
17 cruelty to animals for the county of Albany be appointed as a peace  
18 officer by the appropriate appointing official of the county of Albany.  
19 Provided, further, that any person otherwise qualified who resides in  
20 the county of Orange or Westchester may at the instance of the society  
21 for the prevention of cruelty to animals for the county of Rockland be  
22 appointed as a peace officer by the appropriate appointing official of  
23 the county of Rockland. Provided, further, that any person qualified who  
24 resides in a county adjacent to the county of Monroe may at the instance  
25 of the Humane Society of Rochester and Monroe County for the Prevention  
26 of Cruelty to Animals, Inc., doing business as Lollypop Farm, be  
27 appointed as a peace officer by the appropriate appointing official in  
28 the county of Monroe.

29 § 2. This act shall take effect immediately.