STATE OF NEW YORK

1951

2021-2022 Regular Sessions

IN ASSEMBLY

January 13, 2021

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

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

2. [~~Neither~~] **In a city with a population less than one million, neither** the provisions of this section or of any general, special or local law, charter, code, ordinance, resolution, rule or regulation, requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he **or she** shall be chosen or within which his official functions are required to be exercised, shall apply to the appointment of a person as a member of the police force of any political subdivision or municipal corporation of the state if such person resides (a) in the county in which such political subdivision or municipal corporation is located; or (b) in a county within the state contiguous to the county in which such political subdivision or municipal corporation is located; or (c) in a county within the state contiguous to such political subdivision or municipal corporation; or (d) in a county within the state contiguous to a county described in item (c) hereof where the former is less than fifteen miles from such political subdivision or municipal corporation, measured from their respective nearest boundary lines; or (e) in a county within the state contiguous to a county described in item (d) hereof where the former is less than thirty miles from such political subdivision or municipal corporation, measured from their respective nearest boundary lines.

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

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

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

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

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

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

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

§ 5. This act shall take effect immediately.