

# STATE OF NEW YORK

5417--A

2021-2022 Regular Sessions

## IN ASSEMBLY

February 16, 2021

Introduced by M. of A. O'DONNELL -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law and the criminal procedure law, in relation to enacting the "police and peace officer licensing act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "police and peace officer licensing act".

3 § 2. Section 840 of the executive law is amended by adding two new  
4 subdivisions 7 and 8 to read as follows:

5 7. The council shall, in addition:

6 (a) Establish and implement a mandatory licensing program for all  
7 current and new police officers and peace officers in the state.

8 (b) All current and new police officers and peace officers in the  
9 state shall be licensed pursuant to this subdivision by January first,  
10 two thousand twenty-three.

11 (c) Every license issued pursuant to this subdivision shall remain in  
12 effect, unless revoked or suspended, for a period of five years and  
13 shall be renewed, in a manner established by the council, in order to  
14 continue employment as a police officer or peace officer in the state.

15 (d) Promulgate rules and regulations with respect to the establishment  
16 and implementation on an ongoing basis of a continuing education program  
17 for all current and new police officers regarding the policies and  
18 procedures established pursuant to this subdivision, along with proce-  
19 dures and policies for periodic retraining of police officers.

20 8. The council shall, in addition:

21 (a) Develop, maintain and disseminate a continuing education program  
22 for all current and new police officers and peace officers in the state.

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

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1 (b) Such continuing education program shall include license renewal  
2 requirements, pursuant to paragraph (c) of subdivision seven of this  
3 section, including the sensitivity and de-escalation training pursuant  
4 to paragraph (h-1) of subdivision one of this section.

5 (c) Promulgate rules and regulations with respect to the establishment  
6 and implementation on an ongoing basis of a continuing education program  
7 for all current and new police officers regarding the policies and  
8 procedures established pursuant to this subdivision, along with proce-  
9 dures and policies for periodic retraining of police officers.

10 § 3. The executive law is amended by adding a new section 841-e to  
11 read as follows:

12 § 841-e. Independent police and peace officer licensing review board.

13 1. There is hereby created within the division an independent police and  
14 peace officer licensing review board composed of seven members, who  
15 shall be selected as follows:

16 (a) three shall be appointed by the governor;

17 (b) one shall be appointed by the temporary president of the senate;

18 (c) one shall be appointed by the speaker of the assembly; and

19 (d) two shall be appointed by the attorney general.

20 2. The governor shall designate from among the members of the council  
21 a chairman who shall serve during the pleasure of the governor.

22 3. All members of the council shall be appointed for terms of two  
23 years, such terms to commence on April first, and expire on March thir-  
24 ty-first. Any member chosen to fill a vacancy created otherwise than by  
25 expiration of term shall be appointed for the unexpired term of the  
26 member whom he is to succeed. Vacancies caused by expiration of a term  
27 or otherwise shall be filled in the same manner as original appoint-  
28 ments. Any member may be reappointed for only one additional term.

29 4. The review board shall be permitted to review individual cases  
30 pertaining to police and peace officers. In response, the review board  
31 may do the following if the board finds that such officer has committed  
32 professional misconduct:

33 (a) Issue licensing penalties for professional misconduct;

34 (b) Revoke and/or suspend licenses issued by the municipal police  
35 training council;

36 (c) Issue fines;

37 (d) Require such police or peace officer to undergo therapy or treat-  
38 ment; and/or

39 (e) Require such police or peace officer to fulfill additional contin-  
40 uing education courses.

41 5. The review board shall promulgate, and may from time to time amend,  
42 rules and regulations with respect to defining professional misconduct.  
43 Such definition shall include excessive force and abuse of power and may  
44 include all other acts the review board deems to qualify as professional  
45 misconduct.

46 6. The review board shall have the power to issue subpoenas and hire  
47 an executive director and investigators to further investigate allega-  
48 tions of professional misconduct.

49 § 4. The opening paragraph of subdivision 34 of section 1.20 of the  
50 criminal procedure law is amended to read as follows:

51 The following persons, who are licensed in good standing, as of Janu-  
52 ary first, two thousand twenty-three, by the municipal police training  
53 council pursuant to subdivision seven of section eight hundred forty of  
54 the executive law, are police officers:

1     § 5. The opening paragraph of section 2.10 of the criminal procedure  
2 law, as added by chapter 843 of the laws of 1980, is amended to read as  
3 follows:

4     Notwithstanding the provisions of any general, special or local law or  
5 charter to the contrary, only the following persons, who are licensed in  
6 good standing, as of January first, two thousand twenty-three, by the  
7 municipal police training council pursuant to subdivision seven of  
8 section eight hundred forty of the executive law, shall have the powers  
9 of, and shall be peace officers:

10    § 6. Subdivision 1 of section 840 of the executive law is amended by  
11 adding a new paragraph (h-1) to read as follows:

12    (h-1) Establishment and implementation on an ongoing basis, of a  
13 training program for all new police officers and peace officers hired on  
14 and after January first, two thousand twenty-three, regarding sensitiv-  
15 ity and de-escalation training. Such program shall include training on  
16 the following areas:

17    (1) handling emergencies and complaints, including but not limited to,  
18 those involving victims, witnesses or suspects with mental illness,  
19 substance use disorder, trauma history or developmental or intellectual  
20 disabilities, which shall include training related to common behaviors  
21 and actions exhibited by such individuals, strategies law enforcement  
22 officers may use for reducing or preventing the risk of harm and strate-  
23 gies that involve the least intrusive means of addressing such inci-  
24 dences and individuals while protecting the safety of the law enforce-  
25 ment officer and other persons; and

26    (2) practices and techniques related to responding to mass gatherings  
27 or protests that shall emphasize de-escalation and minimizing the neces-  
28 sity for use of force; and

29    (3) cultural competency on issues regarding race, ethnicity, immi-  
30 gration status, sexual orientation and gender identity to help prospec-  
31 tive officers learn how to work effectively in diverse communities.

32    § 7. This act shall take effect on the ninetieth day after it shall  
33 have become a law. Effective immediately, the addition, amendment and/or  
34 repeal of any rule or regulation necessary for the implementation of  
35 this act on its effective date are authorized to be made and completed  
36 on or before such effective date.