STATE OF NEW YORK

6867--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 the transfer, acceptance, or purchase of military weapons from the United States government

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

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

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

§ 2. The executive law is amended by adding a new section 837-w to read as follows:

§ 837-w. Exceptions to ban on participation in 1033 federal excess property program. Notwithstanding any other provision of law to the contrary, the city of New York and the division of state police shall be authorized to accept, purchase, or receive military weapons, gear or machinery from the United States government for the purposes of counter-terrorism in consultation with the United States department of homeland security.

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

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

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

§ 4. Subdivision 1 of section 150 of the town law, as amended by chapter 476 of the laws of 2018, is amended to read as follows:

1. The town board of any town may establish a police department and appoint a chief of police and such officers as may be needed and fix their compensation. The compensation of such police officers shall be a town charge; providing however, no assessment on property in any village within any town or partially within any town shall be made for the maintenance or operation of a town police department established after January first, nineteen hundred sixty, pursuant to this section if any such village maintains a police department of four or more police officers on an annual full-time basis, established and maintained under the rules of civil service. The town board may, at its option, determine that the town shall pay all or part of the cost of the uniforms and necessary equipment of its police officers, and may purchase such equipment for use by the police department as it shall deem necessary, including police patrol vehicles, and emergency service vehicles for police use in connection with accidents, public calamities or other emergencies. **The town board or local police department shall not authorize the transfer, acceptance, or purchase of military weapons from the United States government.** No assessment on property in any village within any town in the county of Suffolk or in any village within the town of Fallsburgh shall be made for the maintenance or operation of such town police department, if any such village maintains a police department of two or more police officers on an annual basis. In the event that a town has established a police department prior to January first, nineteen hundred sixty, the town board of such town may enter into an agreement with any village within it or partially within it which maintains a police department of four or more police officers on an annual full-time basis, established and maintained under the rules of civil service and determine therein what part of the cost thereof shall be assessed against the property in the village and what part thereof shall be assessed against the property in the town outside of the village. Thereafter such portion of the cost thereof determined to be assessed outside of the village shall be a charge against that part of the town outside of the village and assessed, levied and collected from the taxable property of that part of the town outside of the village. When appointed, such police officers shall have all the powers and be subject to all the duties and liabilities of a police officer in all criminal actions and proceedings and special proceedings of a criminal nature.

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

§ 4-a. Any commissioner of police, superintendent of police, chief of police, or other officer or officers, having the management, control or direction of the police force is authorized to purchase, lease or lease-

purchase, necessary equipment of his or her police officers, and may purchase such equipment for use by the police department as he or she shall deem necessary, including police patrol vehicles, and emergency service vehicles for police use in connection with accidents, public calamities or other emergencies. The commissioner of police, superintendent of police, chief of police, or other officer or officers, having the management, control or direction of the police force shall not authorize the transfer, acceptance, or purchase of military weapons from the United States government.

§ 6. This act shall take effect immediately.