

STATE OF NEW YORK

511

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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

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

- 1 Section 1. Section 212 of the executive law, as amended by chapter 83
2 of the laws of 1995, is amended to read as follows:
3 § 212. Equipment. The superintendent is authorized on behalf of the
4 state to purchase, lease or lease-purchase, within the amounts appropri-
5 ated therefor, necessary equipment and supplies, including but not
6 limited to, vehicles and aircraft subject to the approval of the direc-
7 tor of the budget, and uniforms; when any state property shall become
8 unfit for use it shall be disposed of in accordance with the provisions
9 of the finance law. The superintendent, or his or her deputies, shall
10 not authorize the transfer, acceptance, or purchase of military weapons,
11 gear, or machinery from the United States government.
12 § 2. Section 656 of the county law is amended to read as follows:
13 § 656. Emergency equipment and apparatus. If, in the protection of
14 human life and property, the sheriff shall deem it necessary to hire any
15 equipment or apparatus together with the operator thereof, he may hire
16 the same during the period of an emergency or catastrophe at a reason-
17 able charge therefor. The same shall be audited and paid as a county
18 charge in the manner prescribed by the board of supervisors, and in the
19 discretion of such board, there may be a direction that the further
20 hiring and payment be approved by the chairman of the board or of a
21 designated committee of such board. The sheriff, or his or her deputies,
22 shall not authorize the transfer, acceptance, or purchase of military
23 weapons, gear, or machinery from the United States government.

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

LBD03500-01-1

1 § 3. Subdivision 1 of section 150 of the town law, as amended by chap-
2 ter 476 of the laws of 2018, is amended to read as follows:

3 1. The town board of any town may establish a police department and
4 appoint a chief of police and such officers as may be needed and fix
5 their compensation. The compensation of such police officers shall be a
6 town charge; providing however, no assessment on property in any village
7 within any town or partially within any town shall be made for the main-
8 tenance or operation of a town police department established after Janu-
9 ary first, nineteen hundred sixty, pursuant to this section if any such
10 village maintains a police department of four or more police officers on
11 an annual full-time basis, established and maintained under the rules of
12 civil service. The town board may, at its option, determine that the
13 town shall pay all or part of the cost of the uniforms and necessary
14 equipment of its police officers, and may purchase such equipment for
15 use by the police department as it shall deem necessary, including
16 police patrol vehicles, and emergency service vehicles for police use in
17 connection with accidents, public calamities or other emergencies. The
18 town board or local police department shall not authorize the transfer,
19 acceptance, or purchase of military weapons, gear, or machinery from the
20 United States government. No assessment on property in any village with-
21 in any town in the county of Suffolk or in any village within the town
22 of Fallsburgh shall be made for the maintenance or operation of such
23 town police department, if any such village maintains a police depart-
24 ment of two or more police officers on an annual basis. In the event
25 that a town has established a police department prior to January first,
26 nineteen hundred sixty, the town board of such town may enter into an
27 agreement with any village within it or partially within it which main-
28 tains a police department of four or more police officers on an annual
29 full-time basis, established and maintained under the rules of civil
30 service and determine therein what part of the cost thereof shall be
31 assessed against the property in the village and what part thereof shall
32 be assessed against the property in the town outside of the village.
33 Thereafter such portion of the cost thereof determined to be assessed
34 outside of the village shall be a charge against that part of the town
35 outside of the village and assessed, levied and collected from the taxa-
36 ble property of that part of the town outside of the village. When
37 appointed, such police officers shall have all the powers and be subject
38 to all the duties and liabilities of a police officer in all criminal
39 actions and proceedings and special proceedings of a criminal nature.

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

43 § 4-a. Any commissioner of police, superintendent of police, chief of
44 police, or other officer or officers, having the management, control or
45 direction of the police force is authorized to purchase, lease or lease-
46 purchase, necessary equipment of his or her police officers, and may
47 purchase such equipment for use by the police department as he or she
48 shall deem necessary, including police patrol vehicles, and emergency
49 service vehicles for police use in connection with accidents, public
50 calamities or other emergencies. The commissioner of police, superinten-
51 dent of police, chief of police, or other officer or officers, having
52 the management, control or direction of the police force shall not
53 authorize the transfer, acceptance, or purchase of military weapons,
54 gear, or machinery from the United States government.

55 § 5. This act shall take effect immediately.