STATE OF NEW YORK

4216

2023-2024 Regular Sessions

IN ASSEMBLY

February 13, 2023

Introduced by M. of A. O'DONNELL -- read once and referred to the Committee on Governmental Operations

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:

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

§ 2. Section 840 of the executive law is amended by adding two new subdivisions 8 and 9 to read as follows:

8. The council shall, in addition:

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

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

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

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

9. The council shall, in addition:

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

(b) Such continuing education program shall include license renewal requirements, pursuant to paragraph (c) of subdivision eight of this

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

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section, including the sensitivity and de-escalation training pursuant to paragraph (h-1) of subdivision one of this section.

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

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

§ 841-e. Independent police and peace officer licensing review board. 1. There is hereby created within the division an independent police and peace officer licensing review board composed of seven members, who shall be selected as follows:

(a) three shall be appointed by the governor;

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

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

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

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

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

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

(a) Issue licensing penalties for professional misconduct;

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

(c) Issue fines;

(d) Require such police or peace officer to undergo therapy or treatment; and/or

(e) Require such police or peace officer to fulfill additional continuing education courses.

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

6. The review board shall have the power to issue subpoenas and hire an executive director and investigators to further investigate allegations of professional misconduct.

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

The following persons, who are licensed in good standing, as of January first, two thousand twenty-five, by the municipal police training council pursuant to subdivision eight of section eight hundred forty of the executive law, are police officers:

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

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

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

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

(1) handling emergencies and complaints, including but not limited to, those involving victims, witnesses or suspects with mental illness, substance use disorder, trauma history or developmental or intellectual disabilities, which shall include training related to common behaviors and actions exhibited by such individuals, strategies law enforcement officers may use for reducing or preventing the risk of harm and strategies that involve the least intrusive means of addressing such incidences and individuals while protecting the safety of the law enforcement officer and other persons; and

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

(3) cultural competency on issues regarding race, ethnicity, immigration status, sexual orientation and gender identity to help prospective officers learn how to work effectively in diverse communities.

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