

# STATE OF NEW YORK

111

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. KRUEGER, BRISPORT, COMRIE, GIANARIS, HOYLMAN, RIVERA, SALAZAR -- 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 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:

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 from the United States government.

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

14 § 837-x. Exceptions to ban on participation in 1033 federal excess  
15 property program. Notwithstanding any other provision of law to the  
16 contrary, the city of New York and the division of state police shall be  
17 authorized to accept, purchase, or receive military weapons, gear or  
18 machinery from the United States government for the purposes of counter-  
19 terrorism in consultation with the United States department of homeland  
20 security.

21 § 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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1 § 656. Emergency equipment and apparatus. If, in the protection of  
2 human life and property, the sheriff shall deem it necessary to hire any  
3 equipment or apparatus together with the operator thereof, he may hire  
4 the same during the period of an emergency or catastrophe at a reason-  
5 able charge therefor. The same shall be audited and paid as a county  
6 charge in the manner prescribed by the board of supervisors, and in the  
7 discretion of such board, there may be a direction that the further  
8 hiring and payment be approved by the chairman of the board or of a  
9 designated committee of such board. The sheriff, or his or her deputies,  
10 shall not authorize the transfer, acceptance, or purchase of military  
11 weapons from the United States government.

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

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

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

54 § 4-a. Any commissioner of police, superintendent of police, chief of  
55 police, or other officer or officers, having the management, control or  
56 direction of the police force is authorized to purchase, lease or lease-

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

10 § 6. This act shall take effect immediately.