STATE OF NEW YORK

9548

IN SENATE

May 16, 2024

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law and the public officers law, in relation to removing the citizenship requirement for police officers and firefighters

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

Section 1. The general municipal law is amended by adding a new section 209-h to read as follows:

§ 209-h. Citizenship requirements of police officers and firefighters. Notwithstanding any general, special or local law or administrative code to the contrary, the local governing bodies of the several cities, towns, villages, police and fire districts of the state are hereby authorized to remove, by local law, rule or ordinance, any citizenship requirements from the qualifications of police officers and firefighters.

§ 2. Subdivision 1 of section 3 of the public officers law, as amended by chapter 251 of the laws of 2014, is amended to read as follows:

1. No person shall be capable of holding a civil office who shall not, at the time [~~he or she~~] **such person** shall be chosen thereto, have attained the age of eighteen years, except that in the case of youth boards, youth commissions, recreation commissions, or community boards in the city of New York only, members of such boards or commissions may be under the age of eighteen years, but must have attained the age of sixteen years on or before appointment to such youth board, youth commission, recreation commission, or community board in the city of New York, be a citizen of the United States **or legally authorized to work in the United States under federal law**, a resident of the state, and if it be a local office, a resident of the political subdivision or municipal corporation of the state for which [~~he or she~~] **such person** shall be chosen, or within which the electors electing [~~him or her~~] **such person** reside, or within which [~~his or her~~] **such person's** official functions are required to be exercised[~~, or who shall have been or shall be convicted of a violation of the selective draft act of the United~~

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

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~~States, enacted May eighteenth, nineteen hundred seventeen, or the acts amendatory or supplemental thereto, or of the federal selective training and service act of nineteen hundred forty or the acts amendatory thereof or supplemental thereto~~].

§ 3. Subdivision 1 of section 3-b of the public officers law, as separately amended by chapters 263 and 371 of the laws of 2021, is amended to read as follows:

1. No sheriff of a county, mayor of a city, or official, or other persons authorized by law to appoint special deputy sheriffs, special constables, marshals, police officers, or peace officers in this state, to preserve the public peace or quell public disturbance, shall hereafter, at the instance of any agent, society, association or corporation, or otherwise, appoint as such special deputy, special constable, marshal, police officer, or peace officer, any person who shall not be a citizen of the United States **or legally authorized to work in the United States under federal law** and a resident of the state of New York, and entitled to vote therein at the time of [~~his~~] **such person's** appointment, and a resident of the same county as the mayor or sheriff or other official making such appointment; provided, however, that when, in the judgment of a sheriff of a county except those counties within the city of New York a situation exists which requires temporary additional assistance, such sheriff may appoint special deputy sheriffs who are non-residents of the county but residents of the state of New York who shall hold office until such time as the appointing sheriff determines that the situation no longer exists; and no person shall assume or exercise the functions, powers, duties or privileges incident and belonging to the office of special deputy sheriff, special constables, marshal, police officer, or peace officer, without having first received [~~his~~] appointment in writing from the authority lawfully appointing [~~him~~] **such person**. Nothing herein contained, however, shall apply to the appointment of a non-resident, as an emergency special deputy sheriff, by the sheriff of any county to act when such sheriff has declared a state of special emergency pursuant to the provisions of section two hundred nine-f of the general municipal law. Provided further, that any person otherwise qualified who resides in either the county of Nassau or the county of Suffolk may at the instance of a society for the prevention of cruelty to animals be appointed as a peace officer by the appropriate appointing official of either of such counties notwithstanding that such appointee does not reside in the same county as the appointing official. Provided, further, that any person qualified who resides in a county adjacent to the county of Allegany may at the instance of the society for the prevention of cruelty to animals for the county of Allegany be appointed as a peace officer by the appropriate appointing official of the county of Allegany. Provided, further, that any person qualified who resides in a county adjacent to the county of Albany may at the instance of the society for the prevention of cruelty to animals for the county of Albany be appointed as a peace officer by the appropriate appointing official of the county of Albany. Provided, further, that any person otherwise qualified who resides in the county of Orange or Westchester may at the instance of the society for the prevention of cruelty to animals for the county of Rockland be appointed as a peace officer by the appropriate appointing official of the county of Rockland. Provided, further, that any person qualified who resides in a county adjacent to the county of Putnam may at the instance of the society for the prevention of cruelty to animals for the county of Putnam be appointed as a peace officer by the appropriate appointing official in the county

of Putnam. Provided, further, that any person qualified who resides in a county adjacent to the county of Monroe may at the instance of the Humane Society of Rochester and Monroe County for the Prevention of Cruelty to Animals, Inc., doing business as Lollypop Farm, be appointed as a peace officer by the appropriate appointing official in the county of Monroe.

§ 4. This act shall take effect immediately.