

# STATE OF NEW YORK

9548--A

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

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:

1 Section 1. This act shall be known and may be cited as the "we too  
2 serve NY act".

3 § 2. The general municipal law is amended by adding a new section  
4 209-h to read as follows:

5 § 209-h. Citizenship requirements of police officers and firefighters.  
6 Notwithstanding any general, special or local law or administrative code  
7 to the contrary, the local governing bodies of the several cities,  
8 towns, villages, police and fire districts of the state are hereby  
9 authorized to remove, by local law, rule or ordinance, any citizenship  
10 requirements from the qualifications of police officers and firefigh-  
11 ers.

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

14 1. No person shall be capable of holding a civil office who shall not,  
15 at the time [~~he or she~~] such person shall be chosen thereto, have  
16 attained the age of eighteen years, except that in the case of youth  
17 boards, youth commissions, recreation commissions, or community boards  
18 in the city of New York only, members of such boards or commissions may  
19 be under the age of eighteen years, but must have attained the age of  
20 sixteen years on or before appointment to such youth board, youth  
21 commission, recreation commission, or community board in the city of New  
22 York, be a citizen of the United States or legally authorized to work in  
23 the United States under federal law, a resident of the state, and if it  
24 be a local office, a resident of the political subdivision or municipal  
25 corporation of the state for which [~~he or she~~] such person shall be

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

LBD15580-03-4

1 chosen, or within which the electors electing [~~him or her~~] such person  
2 reside, or within which [~~his or her~~] such person's official functions  
3 are required to be exercised[~~, or who shall have been or shall be~~  
4 ~~convicted of a violation of the selective draft act of the United~~  
5 ~~States, enacted May eighteenth, nineteen hundred seventeen, or the acts~~  
6 ~~amendatory or supplemental thereto, or of the federal selective training~~  
7 ~~and service act of nineteen hundred forty or the acts amendatory thereof~~  
8 ~~or supplemental thereto)].~~

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

12 1. No sheriff of a county, mayor of a city, or official, or other  
13 persons authorized by law to appoint special deputy sheriffs, special  
14 constables, marshals, police officers, or peace officers in this state,  
15 to preserve the public peace or quell public disturbance, shall hereaft-  
16 er, at the instance of any agent, society, association or corporation,  
17 or otherwise, appoint as such special deputy, special constable,  
18 marshal, police officer, or peace officer, any person who shall not be a  
19 citizen of the United States or legally authorized to work in the United  
20 States under federal law and a resident of the state of New York, and  
21 entitled to vote therein at the time of [~~his~~] such person's appointment,  
22 and a resident of the same county as the mayor or sheriff or other offi-  
23 cial making such appointment; provided, however, that when, in the judg-  
24 ment of a sheriff of a county except those counties within the city of  
25 New York a situation exists which requires temporary additional assist-  
26 ance, such sheriff may appoint special deputy sheriffs who are non-resi-  
27 dents of the county but residents of the state of New York who shall  
28 hold office until such time as the appointing sheriff determines that  
29 the situation no longer exists; and no person shall assume or exercise  
30 the functions, powers, duties or privileges incident and belonging to  
31 the office of special deputy sheriff, special constables, marshal,  
32 police officer, or peace officer, without having first received [~~his~~]  
33 appointment in writing from the authority lawfully appointing [~~him~~] such  
34 person. Nothing herein contained, however, shall apply to the appoint-  
35 ment of a non-resident, as an emergency special deputy sheriff, by the  
36 sheriff of any county to act when such sheriff has declared a state of  
37 special emergency pursuant to the provisions of section two hundred  
38 nine-f of the general municipal law. Provided further, that any person  
39 otherwise qualified who resides in either the county of Nassau or the  
40 county of Suffolk may at the instance of a society for the prevention of  
41 cruelty to animals be appointed as a peace officer by the appropriate  
42 appointing official of either of such counties notwithstanding that such  
43 appointee does not reside in the same county as the appointing official.  
44 Provided, further, that any person qualified who resides in a county  
45 adjacent to the county of Allegany may at the instance of the society  
46 for the prevention of cruelty to animals for the county of Allegany be  
47 appointed as a peace officer by the appropriate appointing official of  
48 the county of Allegany. Provided, further, that any person qualified who  
49 resides in a county adjacent to the county of Albany may at the instance  
50 of the society for the prevention of cruelty to animals for the county  
51 of Albany be appointed as a peace officer by the appropriate appointing  
52 official of the county of Albany. Provided, further, that any person  
53 otherwise qualified who resides in the county of Orange or Westchester  
54 may at the instance of the society for the prevention of cruelty to  
55 animals for the county of Rockland be appointed as a peace officer by  
56 the appropriate appointing official of the county of Rockland. Provided,

1 further, that any person qualified who resides in a county adjacent to  
2 the county of Putnam may at the instance of the society for the  
3 prevention of cruelty to animals for the county of Putnam be appointed  
4 as a peace officer by the appropriate appointing official in the county  
5 of Putnam. Provided, further, that any person qualified who resides in a  
6 county adjacent to the county of Monroe may at the instance of the  
7 Humane Society of Rochester and Monroe County for the Prevention of  
8 Cruelty to Animals, Inc., doing business as Lollypop Farm, be appointed  
9 as a peace officer by the appropriate appointing official in the county  
10 of Monroe.

11 § 5. This act shall take effect immediately.