STATE OF NEW YORK

1920

2023-2024 Regular Sessions

IN SENATE

January 17, 2023

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to the termination of law enforcement officer benefits for malfeasance or serious misconduct

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

Section 1. The civil service law is amended by adding a new section 108 to read as follows:

§ 108. Termination of benefits; law enforcement officers. 1. Notwithstanding any other provision of law, any law enforcement officer that is terminated and who (a) was dismissed for malfeasance or any other serious misconduct, or (b) resigned or retired from such position while under investigation for such malfeasance or other serious misconduct, shall not be entitled to receive any retirement or other benefit or payment of any kind.

2. The provisions of this section shall not apply to any law enforcement officer who is exonerated of each allegation against such officer of such malfeasance or other serious misconduct.

3. For purposes of this section, the following terms shall have the following meanings:

(a) "law enforcement officer" means a police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law;

(b) "malfeasance" means the commonly approved usage of "malfeasance"; and

(c) "serious misconduct" means improper or illegal actions taken by a law enforcement officer in connection with such officer's official duties that could result in a miscarriage of justice or discrimination, including, but not limited to, (i) a conviction of a felony, (ii) fabrication of evidence, (iii) repeated use of excessive force, (iv) acceptance of a bribe, or (v) the commission of fraud.

§ 2. This act shall take effect immediately.

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

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