STATE OF NEW YORK

4034

2023-2024 Regular Sessions

IN SENATE

February 2, 2023

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the executive law, in relation to establishing the police training council; and to repeal certain provisions of the executive law related thereto

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

Section 1. Sections 839, 840, and 841 of the executive law are REPEALED and three new sections 839, 840, and 841 are added to read as follows:

§ 839. Police training council. 1. There is hereby created within the office of public safety within the division, a police training council, to be administered by the deputy commissioner for criminal justice services, and composed of nine members who are law enforcement professionals representing academic, legal, supervisory, law enforcement labor organizations as well as community organizations in order to elicit a wide cross section of views in determining an appropriate annual training curriculum for all law enforcement agencies established with police officer or peace officer status throughout the state. Such members shall be selected as follows:

(a) three members appointed by the governor;

(b) two members appointed by the temporary president of the senate;

(c) two members appointed by the speaker of the assembly;

(d) one member appointed by the minority leader of the senate; and

(e) one member appointed by the minority leader of the assembly.

2. The governor shall designate from among the members of the council a chairperson who shall serve at the pleasure of the governor and who shall be compensated for such position.

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

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

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expiration of term shall be appointed for the unexpired term of the member whom he or she 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 additional terms.

4. The council shall continuously meet, as needed, to perform its established duties to set uniform training standards in policing throughout the state. The council's annual training curriculum shall be published in January of each calendar year so that ample time and resources will afford each agency the ability to complete the mandatory training curriculum. Upon certification to the deputy commissioner of criminal justice services by the agency that all of its law enforcement employees have been trained in the published curriculum, the commissioner shall authorize the division of budget to release any grants or appropriations allotted to the law enforcement agency for the next budget year.

5. Membership on the council shall not constitute the holding of an office, and members of the council shall not be required to take and file oaths of office before serving on the council. The council shall not have the right to exercise any portion of the sovereign power of the state.

6. With the exception of the chairperson as designated pursuant to subdivision two of this section, the members of the council shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their functions hereunder.

7. No member of the council shall be disqualified from holding any public office or employment, nor shall he forfeit any such office or employment, by reason of his appointment hereunder, notwithstanding the provisions of any general, special or local law, ordinance or city charter.

§ 840. Functions, powers and duties of council. The council shall recommend to the commissioner rules and regulations with respect to establishing a statewide mandatory training curriculum for all law enforcement agencies established with police officer or peace officer status throughout the state. Such training curriculum shall include but not be limited to updates in legislative changes related to laws, rules and regulations involving the law enforcement profession as well as police interaction with civilians, use of force, powers and procedures for arrest, civil rights, policing tactics and any issue or subject deemed relevant by the council that will enhance police professional standards.

§ 841. Functions, powers and duties of the commissioner with respect to the council. In addition to the functions, powers and duties otherwise provided by this article, the commissioner shall, with the general advice of the council approve a statewide mandatory training curriculum for all law enforcement agencies throughout the state.

§ 2. This act shall take effect immediately.