STATE OF NEW YORK

4446

2023-2024 Regular Sessions

IN SENATE

February 8, 2023

Introduced by Sen. FERNANDEZ -- 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 and the administrative code of the city of New York, in relation to the hiring of certain police officers

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

Section 1. Section 58 of the civil service law is amended by adding a new subdivision 7 to read as follows:

7. (a) Notwithstanding the provisions of any other general, special or local law to the contrary, no person shall be eligible for appointment as a police officer where such person was previously employed as a police officer and where such person: (i) was dismissed for malfeasance or other serious misconduct calling into question such person's fitness to serve as a police officer; or (ii) resigned or retired from such officer's position while under investigation for such malfeasance or other serious misconduct.

(b) Any law enforcement agency that has knowledge that any former police officer of such agency who: (i) was dismissed for malfeasance or other serious misconduct; or (ii) resigned or retired from such officer's position while under investigation for such malfeasance or other serious misconduct; and is an applicant for the position of police officer with any other law enforcement agency, shall inform such other agency of such dismissal, resignation or retirement.

(c) The provisions of this subdivision shall not apply to any police officer who is exonerated of each allegation against such officer of such malfeasance or other serious misconduct.

(d) For purposes of this subdivision, the following terms shall have the following meanings:

(i) "malfeasance" means the commonly approved usage of "malfeasance";

(ii) "serious misconduct" means improper or illegal actions taken by a police officer in connection with such officer's official duties that

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

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could result in a miscarriage of justice or discrimination, including, but not limited to, (A) a conviction of a felony, (B) fabrication of evidence, (C) repeated use of excessive force, (D) acceptance of a bribe, or (E) the commission of fraud; and

(iii) "law enforcement agency" means any agency which is empowered by law to conduct an investigation or to make an arrest for a felony, and any agency which is authorized by law to prosecute or participate in the prosecution of a felony.

§ 2. Section 14-109 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. (i) Notwithstanding the provisions of any other section of general, special or local law to the contrary, no person shall be eligible for appointment as a police officer where such person was previously employed as a police officer and where such person: (a) was dismissed for malfeasance or other serious misconduct calling into question such person's fitness to serve as a police officer; or (b) resigned or retired from such officer's position while under investigation for such malfeasance or other serious misconduct.

(ii) Any law enforcement agency that has knowledge that any former police officer of such agency who: (a) was dismissed for malfeasance or other serious misconduct; or (b) resigned or retired from such officer's position while under investigation for such malfeasance or other serious misconduct; and who is an applicant for the position of police officer with any other law enforcement agency, shall inform such other agency of such dismissal, resignation or retirement.

(iii) The provisions of this subdivision shall not apply to any police officer who is exonerated of each allegation against such officer of such malfeasance or other serious misconduct.

(iv) For purposes of this subdivision, the following terms shall have the following meanings:

(A) "malfeasance" means the commonly approved usage of "malfeasance";

(B) "serious misconduct" means improper or illegal actions taken by a police officer in connection with such officer's official duties that could result in a miscarriage of justice or discrimination, including, but not limited to, (1) a conviction of a felony, (2) fabrication of evidence, (3) repeated use of excessive force, (4) acceptance of a bribe, or (5) the commission of fraud; and

(C) "law enforcement agency" means any agency which is empowered by law to conduct an investigation or to make an arrest for a felony, and any agency which is authorized by law to prosecute or participate in the prosecution of a felony.

§ 3. This act shall take effect immediately.