

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:

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

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

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

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

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

23 (i) "malfeasance" means the commonly approved usage of "malfeasance";
24 (ii) "serious misconduct" means improper or illegal actions taken by a
25 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.

LBD04009-01-3

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

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

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

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

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

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

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

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

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

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

42 § 3. This act shall take effect immediately.