STATE OF NEW YORK

8434

IN SENATE

January 29, 2024

Introduced by Sen. BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public officers law, in relation to the residency requirement for public office in counties in the state; and providing for the repeal of certain provisions of the public officers law relating thereto

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

Section 1. Subdivisions 1 and 2 of section 3 of the public officers law, subdivision 1 as amended by chapter 251 of the laws of 2014 and subdivision 2 as amended by chapter 1004 of the laws of 1966, are amended and a new subdivision 1-b is added to read as follows:

1. No person shall be capable of holding a civil office who shall not, at the time he or she shall be chosen thereto, have attained the age of eighteen years, except that in the case of youth boards, youth commissions, recreation commissions, or community boards in the city of New York only, members of such boards or commissions may be under the age of eighteen years, but must have attained the age of sixteen years on or before appointment to such youth board, youth commission, recreation commission, or community board in the city of New York, be a citizen of the United States, a resident of the state, and if it be a local office **other than a public office position employed by a county**, a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen, or within which the electors electing him or her reside, or within which his or her official functions are required to be exercised, or who shall have been or shall be convicted of a violation of the selective draft act of the United States, enacted May eighteenth, nineteen hundred seventeen, or the acts amendatory or supplemental thereto, or of the federal selective training and service act of nineteen hundred forty or the acts amendatory thereof or supplemental thereto.

1-b. Neither the provisions of this section or of any general, special or local law, charter, code, ordinance, resolution, rule or regulation,

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

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requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen or within which his or her official functions are required to be exercised, shall apply to the appointment of a person to any county public office employment position, and each county in the state shall set forth residency requirements for county positions on an individual basis.

2. Neither the provisions of this section or of any general, special or local law, charter, code, ordinance, resolution, rule or regulation, requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he shall be chosen or within which his official functions are required to be exercised, shall apply to the appointment of a person as a member of the police force of any political subdivision or municipal corporation of the state if such person resides (a) in the county in which such political subdivision or municipal corporation is located; or (b) in a county within the state contiguous to the county in which such political subdivision or municipal corporation is located; or (c) in a county within the state contiguous to such political subdivision or municipal corporation; or (d) in a county within the state contiguous to a county described in item (c) hereof where the former is less than fifteen miles from such political subdivision or municipal corporation, measured from their respective nearest boundary lines; or (e) in a county within the state contiguous to a county described in item (d) hereof where the former is less than thirty miles from such political subdivision or municipal corporation, measured from their respective nearest boundary lines. **This subdivision shall not apply to any sheriff's office or other county police force in the state.**

§ 2. Subdivisions 2-b, 28, 35, 38, 38-a, 41, 42, 44, 48, 48, 49, 49, 50, 50, 52, 53, 55, 55, 55, 60, 62, 64, 66, 66, 67, 67, 68, 68, 68, 68, 68, 68, 69, 70, 72, 72, 72, 72, 73, 73, 73, 73, and 73 of section 3 of the public officers law, subdivision 2-b as added by chapter 1003 of the laws of 1965, subdivision 41 as added by chapter 174 of the laws of 1998, subdivision 42 as added by chapter 174 of the laws of 1998, subdivision 44 as added by chapter 457 of the laws of 2000, subdivision 48 as added by chapter 517 of the laws of 2002, subdivision 48 as added by chapter 518 of the laws of 2002, subdivision 49 as added by chapter 129 of the laws of 2003, subdivision 49 as added by chapter 313 of the laws of 2003, subdivision 50 as added by chapter 551 of the laws of 2004, subdivision 50 as added by chapter 665 of the laws of 2004, subdivision 53 as added by chapter 663 of the laws of 2006, subdivision 55 as added by chapter 250 of the laws of 2008, subdivision 55 as added by chapter 265 of the laws of 2008, subdivision 55 as added by chapter 281 of the laws of 2008, subdivision 60 as added by chapter 255 of the laws of 2013, subdivision 62 as added by chapter 225 of the laws of 2014, subdivision 64 as added by chapter 139 of the laws of 2015, subdivision 66 as added by chapter 113 of the laws of 2017, subdivision 66 as added by chapter 130 of the laws of 2017, subdivision 67 as added by chapter 185 of the laws of 2018, subdivision 67 as added by chapter 340 of the laws of 2018, subdivision 68 as added by chapter 292 of the laws of 2019, subdivision 68 as added by chapter 333 of the laws of 2019, subdivision 68 as added by chapter 349 of the laws of 2019, subdivision 68 as added by chapter 396 of the laws of 2019, subdivision 68 as added by chapter 464 of the laws of 2019, subdivision 68 as added by chapter 645 of the laws of 2019, subdivision 70 as added by chapter 176 of the laws of 2020, subdivision 72 as added by chapter 271 of the laws of 2022, subdivision 72 as added by chapter 275 of the laws of 2022, subdivision 72 as

added by chapter 334 of the laws of 2022, subdivision 72 as added by chapter 458 of the laws of 2022, subdivision 73 as added by chapter 385 of the laws of 2023, subdivision 73 as added by chapter 392 of the laws of 2023, subdivision 73 as added by chapter 399 of the laws of 2023, subdivision 73 as added by chapter 405 of the laws of 2023, and subdivision 73, as added by chapter 407 of the laws of 2023, are REPEALED.

§ 3. This act shall take effect immediately.