

STATE OF NEW YORK

1633--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 10, 2025

Introduced by M. of A. McMAHON, WOERNER, SIMON, BUTTENSCHON, CONRAD, HUNTER, STIRPE, SANTABARBARA, JENSEN, SMULLEN, TAGUE, DeSTEFANO, McDONOUGH, ANGELINO, LEVENBERG, SCHIAVONI -- read once and referred to the Committee on Local Governments -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, the penal law, the arts and cultural affairs law and the volunteer firefighters' benefit law, in relation to participants in youth programs sponsored by fire departments

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

1 Section 1. Subdivisions 1, 2, 5 and 7 of section 204-b of the general
2 municipal law, as added by chapter 386 of the laws of 1978, are amended
3 to read as follows:

4 1. Volunteer fire departments and fire companies may establish, oper-
5 ate and maintain youth programs to provide participants with the oppor-
6 tunity to become familiar with the training programs and operations of
7 fire departments, to provide programs in community fire safety, fire
8 prevention, and public fire prevention education, and to curtail false
9 fire alarms by developing community wide respect for the fire service.

10 2. Volunteer fire departments and fire companies shall establish rules
11 and regulations governing youth programs established pursuant to subdi-
12 vision one hereof, which shall include the minimum and maximum age for
13 participation, the procedure for participation, removal or expulsion,
14 residence, and provision for adequate supervision of such programs.

15 Volunteer fire departments and fire companies shall also establish writ-
16 ten safety or training procedures for every youth program established
17 pursuant to subdivision one of this section, which shall include, but

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

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1 not be limited to, the prohibitions and guidelines set forth in subdivi-
2 sions five and seven of this section.

3 5. All activities of participants in such program shall be approved in
4 advance by the chief, or ~~[his]~~ the chief's designee. ~~[No activities may~~
5 ~~include emergency duties in connection with fire department or fire~~
6 ~~company operations or any other hazardous activity.]~~ Participants may
7 respond to an emergency or hazardous activity, but shall remain in an
8 appropriate and safe designated area that has been established by the
9 chief or officer in charge. The chief or officer in charge shall deter-
10 mine if any such participant is allowed to respond to an emergency in a
11 vehicle using lights and/or sirens, provided, however that no partic-
12 ipant shall operate a vehicle. Furthermore, such participants shall not
13 enter a burning structure nor shall participants in a youth program
14 pursuant to this section fall under the definition of active volunteer
15 firefighter as defined in section three of the volunteer firefighters'
16 benefit law. Provided, further, a volunteer fire department or fire
17 company shall not allow participants in such program to take part in any
18 activity set forth in subdivision two of section one hundred thirty-
19 three of the labor law, except for paragraph r of subdivision two of
20 section one hundred thirty-three of the labor law.

21 7. Volunteer fire departments and fire companies may purchase accident
22 insurance to insure participants in such programs against injury or
23 death resulting from bodily injuries sustained in performance of
24 approved activities. In addition, they may purchase insurance to protect
25 against liability arising from approved activities. The insurance
26 purchased pursuant to this subdivision may include medical and hospital
27 coverage. A volunteer fire department or fire company shall not allow
28 participants in such program to ride in any vehicle owned or operated by
29 such volunteer fire department or fire company, unless such volunteer
30 fire department or fire company has purchased insurance protecting
31 against liability that could arise from such participant being injured
32 in an accident while riding in such vehicle.

33 § 2. Section 260.10 of the penal law, as amended by chapter 447 of the
34 laws of 2010, is amended to read as follows:

35 § 260.10 Endangering the welfare of a child.

36 1. A person is guilty of endangering the welfare of a child when:

37 ~~[1. He or she]~~ (a) Such person knowingly acts in a manner likely to be
38 injurious to the physical, mental or moral welfare of a child less than
39 seventeen years old or directs or authorizes such child to engage in an
40 occupation involving a substantial risk of danger to ~~[his or her]~~ such
41 child's life or health; or

42 ~~[2.]~~ (b) Being a parent, guardian or other person legally charged with
43 the care or custody of a child less than eighteen years old, ~~[he or she]~~
44 such person fails or refuses to exercise reasonable diligence in the
45 control of such child to prevent ~~[him or her]~~ such child from becoming
46 an "abused child," a "neglected child," a "juvenile delinquent" or a
47 "person in need of supervision," as those terms are defined in articles
48 ten, three and seven of the family court act.

49 ~~[3.]~~ 2. A person is not guilty of the provisions of this section when
50 ~~[he or she]~~ such person engages in the conduct described in subdivision
51 one of section 260.00 of this article: (a) with the intent to wholly
52 abandon the child by relinquishing responsibility for and right to the
53 care and custody of such child; (b) with the intent that the child be
54 safe from physical injury and cared for in an appropriate manner; (c)
55 the child is left with an appropriate person, or in a suitable location
56 and the person who leaves the child promptly notifies an appropriate

1 person of the child's location; and (d) the child is not more than thirty days old.

3 3. A volunteer fire department or fire company or a member thereof shall not be guilty of a violation of this section for engaging in actions authorized under section two hundred four-b of the general municipal law as part of a youth program.

7 Endangering the welfare of a child is a class A misdemeanor.

8 § 3. Paragraph (e) of subdivision 1 of section 35.07 of the arts and cultural affairs law is amended to read as follows:

10 (e) In any practice or exhibition or place dangerous or injurious to the life, limb, health or morals of such child provided, however, that the provisions of this paragraph shall not apply to: (i) service as a member of a certified volunteer ambulance service under the supervision of an emergency medical technician as provided in article thirty of the public health law by youthful volunteers at least fifteen years of age who hold a current American Red Cross advanced first aid and emergency care card; or (ii) participation in activities authorized under section two hundred four-b of the general municipal law as part of a youth program or as an active volunteer member of a fire department.

20 § 4. Paragraph n of subdivision 1 of section 5 of the volunteer firefighters' benefit law, as amended by chapter 161 of the laws of 1983, is amended to read as follows:

23 n. While, ~~[within the state and]~~ pursuant to orders or authorization, performing work or service ~~[leading or directing]~~ involving a youth program established pursuant to section two hundred four-b of the general municipal law, including necessary travel directly connected therewith, as well as necessary travel to and necessary travel returning from such activity. This paragraph shall not be interpreted as providing coverage for participants in such youth programs.

30 § 5. Section 205-b of the general municipal law, as amended by chapter 31 of the laws of 1987, is amended to read as follows:

32 § 205-b. Relief of volunteer firefighters engaged in the performance of duty as such firefighters from civil liability and liability of fire districts for the acts of volunteer firefighters. Members of duly organized volunteer fire companies in this state, and participants of youth programs abiding by the rules and regulations governing such youth programs established pursuant to section 204-b of this article, shall not be liable civilly for any act or acts done by them in the performance of their duty as volunteer firefighters, except for wilful negligence or malfeasance. Nothing in this section contained shall in any manner affect the liability imposed upon cities, towns and villages by sections fifty-a and fifty-b of this chapter, but fire districts created pursuant to law shall be liable for the negligence of volunteer firefighters duly appointed to serve therein in the operation of vehicles owned by the fire district upon the public streets and highways of the fire district, provided such volunteer firefighters, at the time of any accident or injury, were acting in the discharge of their duties. Judgments recovered against a fire district pursuant to this section shall be levied upon the taxable property of such district in the same manner as moneys raised for the support of the district.

51 § 6. This act shall take effect immediately.