

§ 58. Requirements for appointment of certain police officers. 1.

Notwithstanding any other provision of this law or any general, special or local law to the contrary, no person shall be eligible for appointment as a police officer of the department of environmental conservation or of any police force or police department of any county, city, town, village, housing authority or police district unless they shall satisfy the following basic requirements:

(a) they are not less than twenty years of age as of the date of appointment nor more than forty-three years of age as of the date when the applicant takes the written examination, provided that the maximum age requirement of forty-three years of age as set forth in this paragraph shall not apply to eligible lists finalized pursuant to an examination administered prior to May thirty-first, nineteen hundred ninety-nine or a police officer in the department of environmental conservation, provided, however, that:

(i) time spent on military duty or on terminal leave, not exceeding a total of six years, shall be subtracted from the age of any applicant who has passed their forty-third birthday as provided in subdivision ten-a of section two hundred forty-three of the military law;

(ii) such maximum age requirement of forty-three years shall not apply to any police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law, who was continuously employed by the Buffalo municipal housing authority between January first, two thousand five and June thirtieth, two thousand five and who takes the next written exam offered after the effective date of this subparagraph by the city of Buffalo civil service commission for employment as a police officer in the city of Buffalo police department, or June thirtieth, two thousand six, whichever is later; and

(iii) such maximum age requirement of forty-three years shall not apply to any police officer of any county, town, city or village police force not otherwise provided for in this section if the eligible list has been exhausted and there are no other eligible candidates; provided, however, the police officer themselves are on the eligible list of such county, town, city or village and meet all other requirements of merit and fitness set forth by this chapter and do not exceed the maximum age of forty-three;

(b) they are a high school graduate or a holder of a high school

equivalency diploma issued by an education department of any of the states of the United States or a holder of a comparable diploma issued by any commonwealth, territory or possession of the United States or by the Canal Zone or a holder of a report from the United States armed forces certifying their successful completion of the tests of general educational development, high school level;

(c) they satisfy the height, weight, physical and psychological fitness requirements prescribed by the municipal police training council pursuant to the provisions of section eight hundred forty of the executive law; and

(d) they are of good moral character as determined in accordance with the background investigation standards of the municipal police training council pursuant to the provisions of section eight hundred forty of the executive law.

1-a. Notwithstanding the provisions of any other section of law, general, special or local, should it be determined by the appointing authority that a candidate does not meet the psychological fitness requirements or lacks the good moral character standards set by the municipal police training council pursuant to the provisions of section eight hundred forty of the executive law, then the appointing authority may request that the local civil service commissioner remove such candidate from the eligible list. Upon receiving such request, the local civil service commissioner shall comply forthwith.

1-b. Notwithstanding the provisions of any other section of law, general, special or local, in political subdivisions maintaining a police department serving a population of one hundred fifty thousand or less, no person shall be eligible for appointment nor shall they be appointed to any rank above the rank of police officer unless they have been appointed a police officer from an eligible list established according to merit and fitness as provided by section six of article five of the constitution of the state of New York or has previously served as a member of the New York state police.

1-c. Notwithstanding the provisions of any other section of law, general, special or local, any political subdivision maintaining a

police department serving a population of one hundred fifty thousand or less and with positions for more than four full-time police officers, shall maintain the office of chief of police.

2. The provisions of this section shall not prevent any county, city, town, village, housing authority, transit authority, police district or the department of environmental conservation from setting more restrictive requirements of eligibility for its police officers.

3. As used in this section, the term "police officer" means a police officer in the department of environmental conservation, the state university police, a member of the regional state park police or a police force, police department, or other organization of a county, city, town, village, housing authority, transit authority or police district, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state, but shall not include any person serving as such solely by virtue of occupying any other office or position, nor shall such term include a sheriff, under-sheriff, commissioner of police, deputy or assistant commissioner of police, chief of police, deputy or assistant chief of police or any person having an equivalent title who is appointed or employed to exercise equivalent supervisory authority.

4. (a) Any person who has received permanent appointment in the competitive class of the civil service as a police officer of the regional state park police, the state university of New York police, the department of environmental conservation or any police force or police department of any county, city, town, village, housing authority, transit authority or police district shall be eligible to resign from any police force or police department and, subject to such civil service rules as may be applicable, shall be eligible for reinstatement in the same police force or police department or in any other police force or police department to which they were eligible for transfer, without satisfying the age requirements set forth in paragraph (a) of subdivision one of this section at the time of such reinstatement, provided such reinstatement occurs within one year of the date of resignation.

(b) (i) Legislative findings and declaration. The legislature hereby finds and declares that it is frequently impracticable to ascertain fitness for the positions of detective and investigator within various police or sheriffs departments around the state by means of a competitive examination due to the unique nature of the duties assigned and the intangible personal qualities needed to perform such duties. The legislature further finds that competitive examination has never been employed in many police, correction or sheriffs departments, to ascertain fitness for the positions of detective and investigator within such police, correction or sheriffs departments; such fitness has always been determined by evaluation of the capabilities of an individual (who has in any case received permanent appointment to the position of police officer, correction officer of any rank or deputy sheriff) by supervisory personnel. The legislature further finds that an individual who performs in an investigatory position in a manner sufficiently satisfactory to the appropriate supervisors to hold such an assignment for a period of eighteen months, has demonstrated fitness for the position of detective or investigator within such police, correction or sheriffs department at least as sufficiently as could be ascertained by means of a competitive examination.

(ii) Notwithstanding any other provision of law, in any jurisdiction, other than a city with a population of one million or more or the state department of corrections and community supervision, which does not administer examinations for designation to detective or investigator, any person who has received permanent appointment to the position of police officer, correction officer of any rank or deputy sheriff and is temporarily assigned to perform the duties of detective or investigator shall, whenever such assignment to the duties of a detective or investigator exceeds eighteen months, be permanently designated as a detective or investigator and receive the compensation ordinarily paid to persons in such designation.

(iii) Nothing contained in subparagraph (ii) of this paragraph shall be construed to limit any jurisdiction's ability to administer examinations for appointment to the positions of detective and investigator, provided however that any person temporarily assigned to perform the duties of detective or investigator within the period commencing September twenty-third, nineteen hundred ninety-three through

and including the date upon which this paragraph shall have become a law and who has not been designated as a detective or investigator and who has not been subject to an examination for which there is a certified eligible list, shall be permanently designated as a detective or investigator whenever such assignment to the duties of detective or investigator exceeds eighteen months.

(iv) Detectives and investigators designated since September twenty-third, nineteen hundred ninety and prior to February twenty-fourth, nineteen hundred ninety-five by any state, county, town, village or city (other than a city with a population of one million or more or the state department of corrections and community supervision) police, correction or sheriffs department, pursuant to the provisions of this paragraph in effect during such period, who continue to serve in such positions, shall retain their detective or investigator status without any right to retroactive financial entitlement.

5. The provisions of this section shall not apply to the investigatory personnel of the office of the district attorney in any county, including any county within the city of New York.

6. The provisions of this section shall not apply to any individual holding the position of deputy sheriff in Westchester county prior to July first, nineteen hundred seventy-nine upon the transfer of such individual to service in the Westchester county department of public safety services.