



2018 New York State YMCA
Youth And Government

FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

WWW.YMCANYS.ORG

Committee Assignment: Assembly Freedom 3

Bill #: AF-32

1 **Sponsors:** Evin Mattupurath and Sydney Whitley

2 **An Act To**

3 Amend section 58 of Article 4 of the Civil Service Law to add subsection e to restrict
4 individuals who have been convicted of Class A misdemeanors from being eligible
5 for a permanent appointment as a police officer.

6

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

9

10 **Purpose**

11 To modify existing civil service law in New York State to reduce police misconduct in
12 New York State by preventing individuals who have been convicted of Class A
13 misdemeanors from being appointed to a permanent police officer position.

14

15 **Summary of Provisions**

16 Section 1 Definitions:

17 Police Officer- shall mean a person in the state university police, a member of the
18 regional state park police or a police force, police department, or other organization
19 of a county, city, town, village, housing authority, transit authority or police district,
20 who is responsible for the prevention and detection of crime and the enforcement of
21 the general criminal laws of the state, but shall not include any person serving as
22 such solely by virtue of his or her occupying any other office or position, nor shall
23 such term include a sheriff, under-sheriff, commissioner of police, deputy or
24 assistant commissioner of police, chief of police, deputy or assistant chief of police
25 or any person having an equivalent title who is appointed or employed to exercise
26 equivalent supervisory authority.

27 Class A misdemeanor- shall mean the most severe classification of misdemeanors
28 in New York State, punishable by a maximum of 1 year in prison.

29 Section 2:

30 Amends section 58 of Article 4, to add paragraph as follows: (d) he or she is of
31 good moral character.

32 1-b. Notwithstanding the provisions of any other section of law, general, special or
33 local, in political subdivisions maintaining a police department serving a population
34 of one hundred fifty thousand or less, no person shall be eligible for appointment
35 nor shall he or she be appointed to any rank above the rank of police officer unless
36 he or she has been appointed a police officer from an eligible list established
37 according to merit and fitness as provided by section six of article five of the
38 constitution of the state of New York or has previously served as a member of the
39 New York state police. (e) he or she has not been convicted of a Class A
40 misdemeanor. Class A misdemeanors include but are not limited to: criminal
41 solicitation in the fourth degree, conspiracy in the fifth degree, assault in the third
42 degree, sexual misconduct, stalking in the third degree, forcible touching, and



2018 New York State YMCA

Youth And Government

WWW.YMCANYS.ORG

FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Assembly Freedom 3

Bill #: AF-32

43 sexual abuse in the second degree. In the event that a police department believes
44 that a candidate who has committed a Class A misdemeanor is worthy of service it
45 will be up to the discretion of the police department to deem them qualified for
46 service within that district only.
47

48 **Justification**

49 Corruption and the abuse of one's power are prevalent in the New York State Police
50 force. According to a study done by the National Police Misconduct Statistics and
51 Reporting Project there were 6,613 police officers involved in cases of misconduct
52 nationwide. Of those 6,613 roughly 40% of the offenses fell under the classification
53 of a misdemeanor. Police are supposed to be held to a higher standard of conduct
54 because of their position. By hiring those who have committed crimes, we set an
55 inadequate example for our people. Research has proven that people with a criminal
56 record are more likely to commit a crime: 49% of people that are convicted of a
57 crime have been rearrested within 8 years and 32% will be reconvicted within 8
58 years. These issues come at a tremendous cost socially and fiscally; in 2016 alone
59 New York City paid out 228 million dollars in lawsuits related to police misconduct,
60 nearly 25% of its whole budget for that year. In spite of this, individuals with
61 criminal records are still allowed onto the force. Many individual police departments
62 across the country have implemented regulations similar to this amendment, even
63 extending beyond Class A misdemeanors. Therefore it is time we address the
64 present problem of police misconduct in New York at a statewide level.
65

66 **Fiscal Implications**

67 This bill will have no additional cost on the New York State Budget. It has the
68 potential to save New York State money as it lowers the candidate pool of police
69 officers.
70

71 **Effective Date**

72 The law will go into effect one year following its passage.