

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Guilford

Local Law No. 2 of the year 20 19

A local law Creating the Office of Town Constable Serving as
(Insert Title)
Justice Court Security Officer

Be it enacted by the Guilford Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Guilford as follows:

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(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 19 of the (County)(City)(Town)(Village) of Guilford was duly passed by the Guilford Town Board on January 9 20 19, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 ☐ ☐ , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

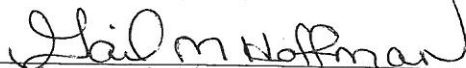
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: January 16, 2019

LOCAL LAW NO. 2 OF THE YEAR 2019

TOWN OF GUILFORD, NEW YORK

A LOCAL LAW CREATING THE OFFICE OF

TOWN CONSTABLE Serving as Justice Court Security Officer

BE IT ENACTED by the Town Board of the Town of Guilford as follows:

Section 1. Legislative intent.

It is the purpose and intent of this law to create the office of Town Constable to perform such special duties for the Justice Court of the Town of Guilford as Justice Court Security Officer as allowed by law. This shall be a part-time position as authorized by the Criminal Procedure Law and the Town Law of New York.

Section 2. Establishment of office.

The Town of Guilford hereby establishes the part-time office of Town Constable, who shall be authorized to act in the capacity of uniformed court officer and shall have the responsibilities generally associated with such position in and about the Town Court as hereinafter set forth. Town Constable(s) shall be appointed by the Town Board but shall work under the direct supervision of the Town Justices in performance of their courtroom duties. The Town Board may appoint as many Town Constables as it desires and shall provide for the amount and manner of payment for their services.

Section 3. Qualifications.

All persons appointed as Town Constable shall be at least 21 years or older, shall have a high school diploma and a valid New York State driver's license, shall be authorized pursuant to the laws of the State of New York to possess and carry a handgun, and shall be certified as a police officer as defined in Subdivision 34 of § 1.20 of the New York Criminal Procedure Law, or a peace officer as defined by § 2.10 of the New York Criminal Procedure Law.

Section 4. Term.

The Town Constable(s) shall be appointed by the Town Board and shall serve at the pleasure of the Board of the Town of Guilford and may be discharged without cause. In addition, the Town Board of the Town of Guilford can impose any reasonable discipline to an appointed Town Constable following the notification of cause for such discipline and a reasonable opportunity to be heard before the Town Board of the Town of Guilford.

Section 5. Powers and duties of Town Constable.

Town Constable(s) shall be subject to the general authority and direction of the Town Board and to such order and regulations as the Town Board may prescribe, not inconsistent with law. Town Constable(s) shall have, in addition to the powers granted hereinabove, those special duties, powers, and responsibilities consistent, and generally associated, with a court officer in the State of New York, including but not necessarily limited to:

- A. Attending sessions of the Town Court as requested by the Town Justice to maintain order and decorum in the courtroom;
- B. Calming disruptive individuals in or around the courtroom and grounds;
- C. Barring entry into secure areas of and about the courtroom;
- D. Addressing and attending to disruptive: prisoners, litigants and spectators involved in court proceedings;
- E. Escorting, guarding and delivering jurors, witnesses and other participants of court proceedings to and from the courtroom;
- F. Escorting, guarding and delivering the judge and/or clerk to and from the courtroom, as may be required;
- G. Delivering materials to sequestered juries;
- H. Using established search procedures and equipment including the weapons screening program, to assure that no weapons, contraband or other prohibited items or materials are brought into the courthouse or courtroom;
- I. Carrying, displaying and using a firearm, subject to any permit, training and certification requirements and qualifications otherwise imposed by law;

Section 6. Training.

As a prerequisite of employment, all persons appointed as Town Constable shall have completed the annual firearm and use of force training in accordance with Section 230 of the Criminal Procedure Law of the State of New York. A certificate attesting to the satisfactory completion of the training requirements imposed under this section shall be filed with the Town Clerk.

Section 7. Equipment.

- A. The Town Board shall, by separate resolution, designate the equipment that shall be carried and/or worn by Town Constable(s) while on duty, and shall establish which of such equipment shall be supplied by the Town and which shall be supplied by Town Constable(s) at their personal expense.
- B. The Town Board may, by separate resolution, establish standards and requirements for that equipment which shall be supplied by Town Constable(s) at their personal expense.

Section 8. Severability.

If any paragraph, section, sentence or portion of a sentence of this chapter shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not invalidate or void any other paragraph, section, sentence or portion thereof, and such other parts thereof shall remain in full force and effect unless and until legally revoked, modified and/or amended.

Section 9. Residency

It is the intent of this chapter that the Town, pursuant to its Municipal Home Rule powers, hereby supersedes the requirements of Town Law § 20 and any other law of the State of New York requiring a Constable as appointed herein to be a resident of the Town. The position of Town Constable may be filled by a resident of the Town of Guilford, or a resident of Chenango County or adjoining counties.

Section 10. When effective.

This chapter shall take effect upon the filing thereof with the Secretary of State of the State of New York.