

LOCAL LAW NO. 1-2019

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.