

LOCAL LAW NO. 1 - 2018
TOWN OF GUILFORD, NEW YORK
A LOCAL LAW CREATING THE OFFICE OF TOWN CONSTABLE

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

Section 1 Title.

This local law shall be known and may be cited as the "Office of Town Constable of the Town of Guilford, New York."

Section 2 Purpose.

The purpose of this chapter is to establish the Town of Guilford as a constabulary and to create the office of Town Constable as authorized by § 2.10 of the Criminal Procedure Law of the State of New York and § 20, Subdivision 1, of the Town Law of the State of New York, to perform such duties at the direction of the Supervisor, Town Board and/or Town Justices for the Justice Court of the Town of Guilford as allowed by the laws of the State of New York.

Section 3 Persons designated as peace officers.

Notwithstanding the provisions of any general, special or local law or charter to the contrary, only the following persons shall have the power of and shall be peace officers and must be an elector of the Town of Guilford:

- A. The Town Constable shall be a constable, peace officer or police constable of a town, provided such designation is not inconsistent with local law and the office of the Town Constable shall be an appointed position.
- B. Upon appointment of a constable, or any peace officer, the Town must provide name, date of birth, rank or title, official station and whether he or she is employed full-time or part-time to the New York State Division of Criminal Justice Services, Albany, New York, pursuant to Executive Law § 845 on a semiannual basis (January and July).

Section 4 Powers and duties.

- A. The powers and duties of a town constable/peace officer are derived from two sources: Town Law, § 39, and Criminal Procedure Law, § 2.20 of the State of New York.
- B. Town Constables shall have the following powers:
 - (1) Make warrantless arrest pursuant to § 140.25 of the Criminal Procedure Law;
 - (2) Use physical force and deadly physical force in making an arrest or preventing an escape pursuant to § 35.30 of the Penal Law of the State of New York;
 - (3) Carry out warrantless searches whenever such searches are constitutionally permissible and acting pursuant to their special duties;
 - (4) Issue appearance tickets pursuant to Subdivision 3 of § 150.20 of the Criminal Procedure Law of the State of New York, when acting pursuant to their special duties;

- (5) Issue uniform appearance tickets pursuant to Article 27 of the Parks, Recreation and Historic Preservation Law and to issue simplified traffic informations pursuant to § 100.25 of the Criminal Procedure Law and § 207 of the Vehicle and Traffic Law whenever acting pursuant to their special duties;
 - (6) Issue a uniform navigation summons and/or complaint pursuant to § 19 of the Navigation Law whenever acting pursuant to their special duties;
 - (7) Issue uniform appearance tickets pursuant to Article 71 of the Environmental Conservation Law whenever acting pursuant to their special duties;
 - (8) Possess and take custody of firearms not owned by the peace officer, for the purpose of disposing of guarding, or any other lawful purpose, consistent with his or her duties as a peace officer;
 - (9) Exercise any other power which a particular peace officer is otherwise authorized to exercise by any general, special or local law or charter, rule, regulations judgment or order whenever acting pursuant to his or her special duties, provided such power is not inconsistent with the provisions of the Penal Law, or this local law;
 - (10) At the direction of the Supervisor, appear in Town Justice Court to keep order. This will include monitoring the weapons screening program and security of the courts;
 - (11) Make collections pursuant to executions and garnishee executions issued upon judgments rendered in Justice Court;
 - (12) Serve civil, legal and criminal papers, including subpoenas or orders on behalf of the Town Supervisor, Town Board and Town Justices;
 - (13) At the direction of the Town Supervisor or Town Board maintain order at Town Board meetings and additional Town functions as needed; and
 - (14) Perform or assist with required security functions at Town Hall, including alarm response and building security and perform other duties as directed by the Town Supervisor, Town Board and/or Town Justices as allowable by law.
- C. For the purposes of this section a peace officer (Town Constable) acts pursuant to the specialized nature of his/her special duties when performing the duties of his/her office, pursuant to the specialized nature of his/her employment, whereby he/she is required or authorized to enforce any general, special or local law or charter, rule, regulation, judgment or order.
- D. Town Constable/peace officers may not execute search warrants or warrants of arrest.
- E. Town Constables/peace officers, pursuant to Criminal Procedure Law § 2.20, with the exception of certain arrests, and the prevention of escapes, may exercise such Town constables/peace officers powers only while engaged in the duties set forth in this chapter.

Section 5 Qualifications.

The minimum qualification for the position of a Town Constable/peace officer shall be a high school diploma and a minimum of three years' full- or part-time police or peace officer experience. He/she shall have a valid New York State driver's license and pistol permit and a DCJS certified basic New York State Police Officer or Peace Officer courses.

Section 6 Training.

Town constables/peace officers must be trained in accordance with § 2.30 of the Criminal Procedure Law of the State of New York.

Section 7 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 8 When effective.

This chapter shall take effect upon filing in the Office of the Secretary of State.

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