



## Legislation Text

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Int. No. 478

By Council Members Yassky, Baez, Fidler, Gentile, Jackson, Nelson, Quinn, Recchia, Stewart, Weprin, Gioia, DeBlasio, Gonzalez and Lanza; also Council Member Gerson

A Local Law to amend the administrative code of the city of New York, in relation to allowing any member of the police force, while off-duty, to provide security at locations where alcohol is used or sold.

Be it enacted by the Council as follows:

### Section 1. Legislative Findings and Intent

As the cultural capital of the world, New York City offers residents and visitors a wide array of nightclubs, bars and restaurants to enjoy. Unfortunately, as demonstrated by recent events, the enjoyment and use of these facilities can be marred by violence. To deter this criminal activity, the Council finds that the police commissioner should be given the discretion to allow members of the police force, while in uniform and off-duty, to provide security services at locations where alcohol is used or sold. Although state law does not permit a police official to be “either directly or indirectly interested in the manufacture or sale of alcoholic beverages” (Alcohol Beverage Control Act §128), as indicated by a state appeals court decision, “it does not follow that section 128 otherwise prohibits police officers from working for any employer in or about a licensed premises, no matter how incidental is the work to the sale of alcoholic beverages.” Rotunno v. City of Rochester, 120 AD2d 160 (4<sup>th</sup> Dept., 1986), aff’d, 71 NY2d 995 (1988). The Council hereby finds that by allowing police officers to provide security at locations where alcohol is used or sold, a function incidental to the sale of alcoholic beverages, New York City’s nightclubs, bars and restaurants will be safer and criminal activity will be deterred.

§2. Chapter one of title 14 of the administrative code of the city of New York is amended by adding a

new section 14-151, to read as follows:

§14-151 Provision of security services by members of the force while off-duty.

Members of the police force shall be permitted to work, while off-duty and in uniform, for a premises licensed to sell beer or alcohol, provided that such employment is limited to the provision of security services only, and provided that such employment is only for the security of the perimeter of the premises or property adjacent to the premises. The police commissioner shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

§3. This local law shall take effect sixty days after enactment.

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