

Chapter 39A

POLICE DEPARTMENT

ARTICLE I

Reimbursement of Criminal Defense Costs

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[HISTORY: Adopted by the Board of Trustees of the Village of Walton: Art. I, 11-15-1993 as L.L. No. 2, 1993. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Wardens — See Ch. 23.

Officers and employees — See Ch. 37A.

ARTICLE I

Reimbursement of Criminal Defense Costs

[Adopted 11-15-1993 as L.L. No. 2, 1993]

§ 39A-1. Definitions.

As used in this local law, unless the context otherwise requires, the following terms shall have the meanings indicated:

OFFICER — The Chief of Police of the Village of Walton or any member of the Police Department of the Village of Walton, including any temporary or part-time members of the Police Department.

VILLAGE — The Village of Walton.

§ 39A-2. Reimbursement authorized.

Upon compliance by the officer with the provisions of § 39A-3 of this local law, the village shall reimburse said officer the actual criminal defense costs incurred not to exceed a maximum of one thousand dollars (\$1,000.) per occurrence to an officer brought up on criminal charges as a result of his or her acting within the scope of his or public employment if he or she is acquitted of the criminal charges or the criminal charges are dismissed or withdrawn. To be eligible for reimbursement, the incident which caused the filing of the criminal charge must have occurred while the officer was on duty.

§ 39A-3. Requirements for reimbursement.

The duty to reimburse the police officer shall be contingent upon:

- A. Delivery to the Village Attorney or, if none, to the Mayor of the original or a copy of any criminal complaint or information within five (5) days after the officer is served with such document; and
- B. Delivery to the Village Attorney or, if none, to the Mayor of the retainer agreement of the police officer with the attorney retained to represent said officer in the defense of the criminal action within five (5) days after the officer retains his attorney.

§ 39A-4. Applicability.

The provisions of this local law shall apply to all actions and proceedings specified herein which have been commenced, instituted or brought on or after the effective date of this local law.

§ 39A-5. When effective.

This local law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York as provided in § 27 of the Municipal Home Rule Law.