S T A T E O F N E W Y O R K

S. 391 A. 1030

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2009

IN SENATE -- Introduced by Sens. BRESLIN, ADAMS, DUANE, HASSELL-THOMPSON, KRUEGER, ONORATO, PARKER, SAMPSON, SCHNEIDERMAN, SMITH, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by M. of A. McENENY, EDDINGTON, ORTIZ, KOON -- Multi-Sponsored by -- M. of A. ALFANO, AUBRY, CLARK, COLTON, DINOWITZ, HOYT, JOHN, MAYERSOHN, PEOPLES, ROBINSON, TITUS, TOWNS, WEISENBERG, WRIGHT -- read once and referred to the Committee on Codes

AN ACT to establish a task force to assess the public health impact of firearm violence and injury and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings and intent. The legislature finds and declares that firearm injuries and deaths have reached epidemic proportions, with firearm injuries ranked among the top ten causes of death among all Americans, and as the leading cause of death among young African-American males. The legislature further finds and declares that this epidemic necessitates public policies which address firearm violence and injury as a public health issue and that one critical component of such policies is an integrated and comprehensive statewide effort to accurately document the origins, incidence and nature of firearm violence and injury in New York state.

The legislature also finds that dispersed and widely varied data and information related to incidents of firearm violence are presently collected by state and local law enforcement agencies; and that information and data related to the nature, severity and causes of firearm injuries are also regularly compiled by health care providers engaged in the treatment of such injuries. The legislature finds and declares that

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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a coordinated and fully integrated statewide network of data and information is required to fully assess the public health impact of firearm violence and injury in New York state and to formulate policies to combat such violence and injury in the protection of public health.

The legislature hereby establishes a task force to devise a statewide network of data and information related to firearm violence and injuries. The task force will coordinate the integration of data compiled by law enforcement agencies and health care providers, related to firearm violence and injury. This task force will be comprised of appropriate state agency personnel, law enforcement authorities, health care providers, and experts in the fields of epidemiology and ballistics. The task force will assess the nature and current methods by which data related to firearm violence and injury are compiled and reported by law enforcement agencies and health care providers. The task force shall recommend any changes in the nature or manner in which such data is compiled and reported, to facilitate an on-going, statewide assessment of the public health impact of firearm violence and injury in New York state.

S 2. An eight member task force is hereby established to assess current data and information compiled by law enforcement personnel and health providers related to incidents of firearm violence and injury, and to recommend mechanisms by which an integrated, statewide data collection and tracking system may be established to assess the public health impact of such violence and injury.

S 3. The task force shall be comprised of the commissioners of the department of health and the division of criminal justice services, who may designate representatives to act on their behalf.

The commissioner of the department of health or the designee thereof, shall chair the task force. The governor shall appoint two members to the task force: one member shall be an epidemiologist experienced in the study of firearm injuries and one member shall be an expert in firearm ballistics. The temporary president of the senate and the speaker of the assembly shall each appoint one member to the task force who shall be a member of a state or local law enforcement agency. The minority leaders of the senate and assembly shall each appoint one member to the task force, who shall be a health care provider regularly engaged in the treatment of firearm injuries. Administrative duties of the task force shall be the responsibility of the department of health.

S 4. The task force shall provide a report to the governor and the legislature on or before January 15, 2011. Such report shall include:

(a) an identification of the data and informational needs associated with an assessment of firearm violence and injury as an issue of public health in New York state;

(b) an identification of any differences among state and local law enforcement agencies in the collection and reporting of information and data related to firearm violence and injury, the basis for any such differences, and how such differences may be addressed;

(c) an identification of any differences among health care providers and in particular, emergency medical services providers, with regard to the collection and reporting of firearm injury data and information, the basis for such differences, and how such differences may be addressed;

(d) an assessment of the need for improved epidemiological data and information concerning firearm injuries, including information on the frequency and distribution of such injuries and the specific types of firearms associated with various injuries;

(e) an identification of any opportunities for, or barriers to, a more uniform statewide approach to the collection and reporting of data and

information from both law enforcement agencies and health care providers, concerning incidents of firearm violence and injury, with full and proper regard to the protection of the rights of victims of such violence and injury and the rights of criminal defendants;

(f) a recommendation of a state agency to assume responsibility for the planning and coordination of a statewide data and information network comprised of firearm violence and injury data as reported from state and local law enforcement agencies and health care providers, and designed to be used in formulating public health strategies to deter firearm violence and injuries; and

(g) an identification of public health policies and strategies which may arise from a statewide data and information network on firearm violence and injuries, and focused on the prevention of such violence and injuries.

The task force shall meet as frequently as its business may require and members of the task force shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in performance of their duties.

S 5. This act shall take effect immediately and shall expire on February 1, 2011 when it shall be deemed repealed.