

1742

2011-2012 Regular Sessions

I N S E N A T E

January 12, 2011

Introduced by Sens. GOLDEN, JOHNSON, LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, the civil practice law and rules, the state finance law, the correction law, the education law, the executive law and the mental hygiene law, in relation to defining offenses involving criminal street gangs, creating the criminal street gang prevention fund, enacting the criminal street gang registration act, providing for gang prevention services in schools and creating the office of criminal street gangs and youth violence; and to repeal sections 120.06 and 120.07 of the penal law, relating to offenses of gang assault

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

1 Section 1. Legislative findings and purpose. The legislature hereby
2 finds that New York laws are insufficiently targeted to the prosecution
3 of criminal street gangs and the protection of public order and individ-
4 ual safety against gang-related violence, because they lack programs and
5 activities specifically designed to prevent the growth of criminal
6 street gangs, facilitate prosecution and punishment of members of crimi-
7 nal street gangs, and punish those who solicit others to participate in
8 criminal street gangs and in acts of gang-related violence or who
9 provide support or resources to those who commit or encourage the
10 commission of such acts.

11 The legislature further finds that the threat of violence and the
12 disruption of public order and safety presented by criminal street gangs
13 has reached a crisis point that threatens the right of residents of this
14 state to be secure and protected from fear, intimidation, and physical
15 harm.

16 The legislature therefore finds and declares that it is in every sense
17 in the public interest to establish a comprehensive approach to the
18 protection of public order and individual safety against criminal street

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

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gangs and gang-related violence, by severely criminalizing such activities, by creating anti-crime programs that focus on patterns of criminal gang activity and organization, by expanding education and intervention to prevent the growth of criminal street gangs, and by establishing an ongoing system of tracking criminal gang activity, as provided in this legislation.

S 2. Paragraph (a) of subdivision 2 of section 60.07 of the penal law, as added by chapter 148 of the laws of 2000, is amended to read as follows:

(a) the term "specified offense" shall mean an attempt to commit murder in the second degree as defined in section 125.25 of this chapter, gang assault in the first degree as defined in section [120.07] 495.08 of this chapter, gang assault in the second degree as defined in section [120.06] 495.07 of this chapter, assault in the first degree as defined in section 120.10 of this chapter, manslaughter in the first degree as defined in section 125.20 of this chapter, manslaughter in the second degree as defined in section 125.15 of this chapter, robbery in the first degree as defined in section 160.15 of this chapter, robbery in the second degree as defined in section 160.10 of this chapter, or the attempted commission of any of the following offenses: gang assault in the first degree as defined in section [120.07] 495.08, assault in the first degree as defined in section 120.10, manslaughter in the first degree as defined in section 125.20 or robbery in the first degree as defined in section 160.15;

S 3. Paragraphs (a) and (b) of subdivision 1 of section 70.02 of the penal law, paragraph (a) as amended by chapter 320 of the laws of 2006 and paragraph (b) as amended by chapter 405 of the laws of 2010, are amended to read as follows:

(a) Class B violent felony offenses: an attempt to commit the class A-I felonies of murder in the second degree as defined in section 125.25, kidnapping in the first degree as defined in section 135.25, and arson in the first degree as defined in section 150.20; manslaughter in the first degree as defined in section 125.20, aggravated manslaughter in the first degree as defined in section 125.22, rape in the first degree as defined in section 130.35, criminal sexual act in the first degree as defined in section 130.50, aggravated sexual abuse in the first degree as defined in section 130.70, course of sexual conduct against a child in the first degree as defined in section 130.75; assault in the first degree as defined in section 120.10, kidnapping in the second degree as defined in section 135.20, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, robbery in the first degree as defined in section 160.15, incest in the first degree as defined in section 255.27, criminal possession of a weapon in the first degree as defined in section 265.04, criminal use of a firearm in the first degree as defined in section 265.09, criminal sale of a firearm in the first degree as defined in section 265.13, aggravated assault upon a police officer or a peace officer as defined in section 120.11, gang assault in the first degree as defined in section [120.07] 495.08, intimidating a victim or witness in the first degree as defined in section 215.17, hindering prosecution of terrorism in the first degree as defined in section 490.35, criminal possession of a chemical weapon or biological weapon in the second degree as defined in section 490.40, and criminal use of a chemical weapon or biological weapon in the third degree as defined in section 490.47.

1 (b) Class C violent felony offenses: an attempt to commit any of the
2 class B felonies set forth in paragraph (a) of this subdivision; aggra-
3 vated criminally negligent homicide as defined in section 125.11, aggra-
4 vated manslaughter in the second degree as defined in section 125.21,
5 aggravated sexual abuse in the second degree as defined in section
6 130.67, assault on a peace officer, police officer, fireman or emergency
7 medical services professional as defined in section 120.08, gang assault
8 in the second degree as defined in section [120.06] 495.07, strangula-
9 tion in the first degree as defined in section 121.13, burglary in the
10 second degree as defined in section 140.25, robbery in the second degree
11 as defined in section 160.10, criminal possession of a weapon in the
12 second degree as defined in section 265.03, criminal use of a firearm in
13 the second degree as defined in section 265.08, criminal sale of a
14 firearm in the second degree as defined in section 265.12, criminal sale
15 of a firearm with the aid of a minor as defined in section 265.14,
16 soliciting or providing support for an act of terrorism in the first
17 degree as defined in section 490.15, hindering prosecution of terrorism
18 in the second degree as defined in section 490.30, and criminal
19 possession of a chemical weapon or biological weapon in the third degree
20 as defined in section 490.37.

21 S 4. Sections 120.06 and 120.07 of the penal law are REPEALED.

22 S 5. Subdivision 2 of section 130.91 of the penal law, as amended by
23 chapter 405 of the laws of 2010, is amended to read as follows:

24 2. A "specified offense" is a felony offense defined by any of the
25 following provisions of this chapter: assault in the second degree as
26 defined in section 120.05, assault in the first degree as defined in
27 section 120.10, gang assault in the second degree as defined in section
28 [120.06] 495.07, gang assault in the first degree as defined in section
29 [120.07] 495.08, stalking in the first degree as defined in section
30 120.60, strangulation in the second degree as defined in section 121.12,
31 strangulation in the first degree as defined in section 121.13,
32 manslaughter in the second degree as defined in subdivision one of
33 section 125.15, manslaughter in the first degree as defined in section
34 125.20, murder in the second degree as defined in section 125.25, aggra-
35 vated murder as defined in section 125.26, murder in the first degree as
36 defined in section 125.27, kidnapping in the second degree as defined in
37 section 135.20, kidnapping in the first degree as defined in section
38 135.25, burglary in the third degree as defined in section 140.20,
39 burglary in the second degree as defined in section 140.25, burglary in
40 the first degree as defined in section 140.30, arson in the second
41 degree as defined in section 150.15, arson in the first degree as
42 defined in section 150.20, robbery in the third degree as defined in
43 section 160.05, robbery in the second degree as defined in section
44 160.10, robbery in the first degree as defined in section 160.15,
45 promoting prostitution in the second degree as defined in section
46 230.30, promoting prostitution in the first degree as defined in section
47 230.32, compelling prostitution as defined in section 230.33, dissem-
48 inating indecent material to minors in the first degree as defined in
49 section 235.22, use of a child in a sexual performance as defined in
50 section 263.05, promoting an obscene sexual performance by a child as
51 defined in section 263.10, promoting a sexual performance by a child as
52 defined in section 263.15, or any felony attempt or conspiracy to commit
53 any of the foregoing offenses.

54 S 6. The penal law is amended by adding a new title Y-2 to read as
55 follows:

TITLE Y-2
OFFENSES INVOLVING CRIMINAL STREET GANGS

ARTICLE 495

CRIMINAL STREET GANGS ENFORCEMENT AND PREVENTION ACT

SECTION 495.01 DEFINITIONS.

495.02 PARTICIPATION IN A CRIMINAL STREET GANG.

495.03 PARTICIPATION IN CRIMINAL STREET GANG ACTIVITY.

495.04 SOLICITATION FOR PARTICIPATION IN A CRIMINAL STREET GANG.

495.05 SOLICITATION OR RECRUITMENT OF MINORS FOR PARTICIPATION
IN A CRIMINAL STREET GANG.495.06 SOLICITATION OR RECRUITMENT OF MINORS FOR PARTICIPATION
IN A CRIMINAL STREET GANG ON SCHOOL GROUNDS.

495.07 GANG ASSAULT IN THE SECOND DEGREE.

495.08 GANG ASSAULT IN THE FIRST DEGREE.

495.09 ABATEMENT OF PREMISES USED FOR CRIMINAL STREET GANG
ACTIVITY.

495.10 PREEMPTION.

495.11 REGISTRATION REQUIREMENT.

495.12 SENTENCING.

S 495.01 DEFINITIONS.

AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING
MEANINGS:

1. "CRIMINAL STREET GANG" MEANS ANY FORMAL OR INFORMAL ORGANIZATION,
ASSOCIATION, OR GROUP OF THREE OR MORE PERSONS HAVING A COMMON NAME OR
IDENTIFYING SIGN OR SYMBOL WHOSE MEMBERS INDIVIDUALLY OR COLLECTIVELY
ENGAGE IN OR HAVE ENGAGED IN A PATTERN OF CRIMINAL GANG ACTIVITY.

2. "PATTERN OF CRIMINAL GANG ACTIVITY" MEANS THE COMMISSION OF,
ATTEMPTED COMMISSION OF, CONSPIRACY TO COMMIT, SOLICITATION OF,
SUSTAINED JUVENILE PETITION FOR, OR CONVICTION OF ANY TWO OR MORE OF ANY
SPECIFIED OFFENSES LISTED IN SUBDIVISION THREE OF THIS SECTION BY A
PARTICIPANT OR PARTICIPANTS IN A CRIMINAL STREET GANG, PROVIDED THAT THE
OFFENSES SHALL HAVE OCCURRED ON SEPARATE OCCASIONS WITHIN THREE YEARS OF
EACH OTHER, OR BY TWO OR MORE PERSONS WHO ARE PARTICIPANTS IN A CRIMINAL
STREET GANG, AND THAT AT LEAST ONE SUCH OFFENSE SHALL HAVE OCCURRED
AFTER THE EFFECTIVE DATE OF THIS ARTICLE.

3. "SPECIFIED OFFENSE" MEANS ANY OFFENSE DEFINED BY ANY OF THE FOLLOW-
ING PROVISIONS OF THIS CHAPTER: OFFENSES CONSTITUTING A SPECIFIED
OFFENSE AS DEFINED IN SUBDIVISION THREE OF SECTION 485.05 (HATE CRIMES),
ARTICLE ONE HUNDRED FIFTEEN (CRIMINAL FACILITATION), ONE HUNDRED THIR-
TY-FIVE (KIDNAPPING, COERCION AND RELATED OFFENSE), ONE HUNDRED SEVENTY
(FORGERY AND RELATED OFFENSES), ONE HUNDRED SEVENTY-EIGHT (CRIMINAL
DIVERSION OF PRESCRIPTION MEDICATIONS AND PRESCRIPTIONS), TWO HUNDRED
TWENTY (CONTROLLED SUBSTANCES OFFENSES), TWO HUNDRED TWENTY-ONE
(OFFENSES INVOLVING MARIHUANA), TWO HUNDRED TWENTY-FIVE (GAMBLING
OFFENSES), TWO HUNDRED THIRTY (PROSTITUTION OFFENSES), TWO HUNDRED THIR-
TY-FIVE (OBSCENITY AND RELATED OFFENSES), TWO HUNDRED SIXTY-FIVE
(FIREARMS AND OTHER DANGEROUS WEAPONS), TWO HUNDRED SEVENTY (OTHER
OFFENSES RELATING TO PUBLIC SAFETY), FOUR HUNDRED (LICENSING AND OTHER
PROVISIONS RELATING TO FIREARMS) OR FOUR HUNDRED SEVENTY (MONEY LAUNDER-
ING).

S 495.02 PARTICIPATION IN A CRIMINAL STREET GANG.

A PERSON IS GUILTY OF PARTICIPATION IN A CRIMINAL STREET GANG IF SUCH
PERSON PARTICIPATES IN A CRIMINAL STREET GANG WITH KNOWLEDGE THAT ITS
MEMBERS ENGAGE IN OR HAVE ENGAGED IN A PATTERN OF CRIMINAL GANG ACTIV-
ITY.

1 PARTICIPATION IN A CRIMINAL STREET GANG IS A CLASS A MISDEMEANOR.
2 S 495.03 PARTICIPATION IN CRIMINAL STREET GANG ACTIVITY.

3 A PERSON IS GUILTY OF PARTICIPATION IN CRIMINAL STREET GANG ACTIVITY
4 WHEN HE OR SHE WILLFULLY AND KNOWINGLY PROMOTES, FURTHERS, ASSISTS IN,
5 CONDUCTS, OR PARTICIPATES IN THE AFFAIRS OF A CRIMINAL STREET GANG BY
6 PARTICIPATING IN A PATTERN OF CRIMINAL STREET GANG ACTIVITY, OR KNOWING-
7 LY INVESTS PROCEEDS DERIVED FROM CRIMINAL STREET GANG ACTIVITY, OR
8 PROCEEDS DERIVED FROM THE INVESTMENT OR USE OF THOSE PROCEEDS, IN AN
9 ENTERPRISE. A PERSON MAY BE A PARTICIPANT IN A CRIMINAL STREET GANG
10 IRRESPECTIVE OF THE AMOUNT OF TIME HE OR SHE DEVOTES TO THE CRIMINAL
11 STREET GANG, AS LONG AS SUCH PERSON SHALL HAVE PARTICIPATED IN COMMIT-
12 TING ACTS CONSTITUTING CRIMINAL STREET GANG ACTIVITY WITH ONE OR MORE
13 MEMBERS OF A CRIMINAL STREET GANG.

14 PARTICIPATION IN CRIMINAL STREET GANG ACTIVITY IS A CLASS E FELONY.
15 S 495.04 SOLICITATION FOR PARTICIPATION IN A CRIMINAL STREET GANG.

16 A PERSON IS GUILTY OF SOLICITATION FOR PARTICIPATION IN A CRIMINAL
17 STREET GANG IF SUCH PERSON:

18 1. SOLICITS OR RECRUITS ANOTHER TO ACTIVELY PARTICIPATE IN A CRIMINAL
19 STREET GANG WITH THE INTENT THAT THE PERSON SOLICITED OR RECRUITED
20 PARTICIPATE IN A PATTERN OF CRIMINAL STREET GANG ACTIVITY, OR WITH THE
21 INTENT THAT SUCH PERSON PROMOTE, FURTHER, CONDUCT, OR ASSIST IN ANY
22 PATTERN OF CRIMINAL STREET GANG ACTIVITY BY MEMBERS OF THE CRIMINAL
23 STREET GANG; OR

24 2. THREATENS A PERSON WITH PHYSICAL VIOLENCE WITH THE INTENT TO
25 COERCE, INDUCE, OR SOLICIT SUCH PERSON OR ANOTHER TO PARTICIPATE IN A
26 CRIMINAL STREET GANG; OR

27 3. USES PHYSICAL VIOLENCE TO COERCE, INDUCE, OR SOLICIT ANOTHER PERSON
28 TO PARTICIPATE IN A CRIMINAL STREET GANG.

29 SOLICITATION FOR PARTICIPATION IN A CRIMINAL STREET GANG IS A CLASS E
30 FELONY.

31 S 495.05 SOLICITATION OR RECRUITMENT OF MINORS FOR PARTICIPATION IN A
32 CRIMINAL STREET GANG.

33 A PERSON IS GUILTY OF SOLICITATION OR RECRUITMENT OF MINORS FOR
34 PARTICIPATION IN A CRIMINAL STREET GANG WHEN HE OR SHE COMMITS THE CRIME
35 OF SOLICITATION FOR PARTICIPATION IN A CRIMINAL STREET GANG AND THE
36 PERSON SOLICITED OR RECRUITED IS LESS THAN EIGHTEEN YEARS OF AGE.

37 SOLICITATION OR RECRUITMENT OF MINORS FOR PARTICIPATION IN A CRIMINAL
38 STREET GANG IS A CLASS D FELONY.

39 S 495.06 SOLICITATION OR RECRUITMENT OF MINORS FOR PARTICIPATION IN A
40 CRIMINAL STREET GANG ON SCHOOL GROUNDS.

41 A PERSON IS GUILTY OF SOLICITATION OR RECRUITMENT OF MINORS FOR
42 PARTICIPATION IN A CRIMINAL STREET GANG ON SCHOOL GROUNDS WHEN HE OR SHE
43 COMMITS THE CRIME OF SOLICITATION OR RECRUITMENT OF MINORS FOR PARTIC-
44 IPATION IN A CRIMINAL STREET GANG WHILE ON SCHOOL GROUNDS. FOR PURPOSES
45 OF THIS SECTION, THE TERM "SCHOOL GROUNDS" MEANS "SCHOOL GROUNDS" AS
46 DEFINED IN SUBDIVISION FOURTEEN OF SECTION 220.00 OF THIS CHAPTER.

47 SOLICITATION OR RECRUITMENT OF MINORS FOR PARTICIPATION IN A CRIMINAL
48 STREET GANG ON SCHOOL GROUNDS IS A CLASS C FELONY.

49 S 495.07 GANG ASSAULT IN THE SECOND DEGREE.

50 A PERSON IS GUILTY OF GANG ASSAULT IN THE SECOND DEGREE WHEN, WITH
51 INTENT TO CAUSE PHYSICAL INJURY TO ANOTHER PERSON AND WHEN AIDED BY TWO
52 OR MORE OTHER PERSONS ACTUALLY PRESENT, HE OR SHE CAUSES SERIOUS PHYS-
53 ICAL INJURY TO SUCH PERSON OR TO A THIRD PERSON.

54 GANG ASSAULT IN THE SECOND DEGREE IS A CLASS C FELONY.

55 S 495.08 GANG ASSAULT IN THE FIRST DEGREE.

1 A PERSON IS GUILTY OF GANG ASSAULT IN THE FIRST DEGREE WHEN, WITH
2 INTENT TO CAUSE SERIOUS PHYSICAL INJURY TO ANOTHER PERSON AND WHEN AIDED
3 BY TWO OR MORE OTHER PERSONS ACTUALLY PRESENT, HE OR SHE CAUSES SERIOUS
4 PHYSICAL INJURY TO SUCH PERSON OR TO A THIRD PERSON.

5 GANG ASSAULT IN THE FIRST DEGREE IS A CLASS B FELONY.

6 S 495.09 ABATEMENT OF PREMISES USED FOR CRIMINAL STREET GANG ACTIVITY.

7 1. A BUILDING OR PLACE USED BY MEMBERS OF A CRIMINAL STREET GANG FOR
8 THE PURPOSE OF ENGAGING IN A PATTERN OF CRIMINAL GANG ACTIVITY IS A
9 NUISANCE WHICH SHALL BE ENJOINED, ABATED, AND PREVENTED, AND FOR WHICH
10 DAMAGES MAY BE RECOVERED, IRRESPECTIVE OF WHETHER IT CONSTITUTES A
11 PUBLIC OR PRIVATE NUISANCE.

12 2. ANY ACTION FOR AN INJUNCTION OR ABATEMENT FILED PURSUANT TO SUBDI-
13 VISION ONE OF THIS SECTION SHALL PROCEED ACCORDING TO THE PROVISIONS OF
14 THE CIVIL PRACTICE LAW AND RULES, EXCEPT THAT ALL OF THE FOLLOWING SHALL
15 APPLY:

16 (A) THE COURT SHALL NOT ASSESS A CIVIL PENALTY AGAINST ANY PERSON
17 UNLESS THAT PERSON KNEW OR SHOULD HAVE KNOWN OF THE UNLAWFUL ACTS
18 COMMITTED ON OR IN THE PREMISES;

19 (B) NO ORDER OF EVICTION OR CLOSURE MAY BE ENTERED;

20 (C) ALL INJUNCTIONS ISSUED SHALL BE LIMITED TO THOSE NECESSARY TO
21 PROTECT THE HEALTH AND SAFETY OF THE RESIDENTS OR THE PUBLIC OR THOSE
22 NECESSARY TO PREVENT FURTHER CRIMINAL ACTIVITY; AND

23 (D) SUIT MAY NOT BE FILED UNTIL A THIRTY DAY NOTICE PERIOD OF THE
24 UNLAWFUL USE OR CRIMINAL CONDUCT HAS BEEN PROVIDED TO THE OWNER BY MAIL,
25 RETURN RECEIPT REQUESTED, POSTAGE PREPAID, TO THE LAST KNOWN ADDRESS.

26 3. NO NOT-FOR-PROFIT OR CHARITABLE ORGANIZATION WHICH IS CONDUCTING
27 ITS AFFAIRS WITH ORDINARY CARE AND SKILL, AND NO GOVERNMENTAL ENTITY,
28 SHALL BE ABATED PURSUANT TO THE PROVISIONS OF SUBDIVISIONS ONE AND TWO
29 OF THIS SECTION.

30 4. NOTHING IN THIS SECTION SHALL PRECLUDE ANY AGGRIEVED PERSON FROM
31 SEEKING ANY OTHER REMEDY PROVIDED BY LAW.

32 5. WHEN AN INJUNCTION IS ISSUED PURSUANT TO THIS SECTION FOR THE
33 ABATEMENT OF PREMISES USED FOR CRIMINAL STREET GANG ACTIVITIES, THE
34 ATTORNEY GENERAL OR ANY DISTRICT ATTORNEY OR ANY PROSECUTING CITY ATTOR-
35 NEY MAY MAINTAIN AN ACTION FOR MONEY DAMAGES ON BEHALF OF THE COMMUNITY
36 OR NEIGHBORHOOD INJURED BY THE NUISANCE. ANY MONEY DAMAGES AWARDED SHALL
37 BE PAID BY OR COLLECTED FROM ASSETS OF THE CRIMINAL STREET GANG OR ITS
38 MEMBERS THAT WERE DERIVED FROM THE PATTERN OF CRIMINAL STREET GANG
39 ACTIVITY BEING ABATED OR ENJOINED. ONLY PERSONS WHO KNEW OR SHOULD HAVE
40 KNOWN OF THE UNLAWFUL ACTS SHALL BE PERSONALLY LIABLE FOR THE PAYMENT OF
41 THE DAMAGES AWARDED. IN A CIVIL ACTION FOR DAMAGES BROUGHT PURSUANT TO
42 THIS SUBDIVISION, THE ATTORNEY GENERAL, DISTRICT ATTORNEY, OR CITY
43 ATTORNEY MAY USE, BUT IS NOT LIMITED TO THE USE OF, THE TESTIMONY OF
44 EXPERTS TO ESTABLISH DAMAGES SUFFERED BY THE COMMUNITY OR NEIGHBORHOOD
45 INJURED BY THE NUISANCE. DAMAGES RECOVERED PURSUANT TO THIS SUBDIVISION
46 SHALL BE DEPOSITED INTO A SEPARATE SEGREGATED FUND FOR PAYMENT TO THE
47 GOVERNING BODY OF THE CITY OR COUNTY IN WHOSE POLITICAL SUBDIVISION THE
48 COMMUNITY OR NEIGHBORHOOD IS LOCATED, AND THAT GOVERNING BODY SHALL USE
49 THOSE ASSETS FOR THE BENEFIT OF THE COMMUNITY OR NEIGHBORHOOD INJURED BY
50 THE NUISANCE.

51 S 495.10 PREEMPTION.

52 NOTHING IN THIS ARTICLE SHALL PREEMPT AN APPROPRIATE ALTERNATIVE OR
53 ADDITIONAL CHARGE PURSUANT TO THIS CHAPTER.

54 S 495.11 REGISTRATION REQUIREMENT.

55 1. IN ADDITION TO ANY OTHER PENALTY IMPOSED UNDER THIS ARTICLE OR ANY
56 OTHER LAW, A PERSON CONVICTED OF THE CRIME OF PARTICIPATION IN CRIMINAL

1 STREET GANG ACTIVITY WHO IS RELEASED ON PROBATION OR DISCHARGED UPON
2 PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE, OR
3 WHO IS TO BE DISCHARGED, PAROLED, RELEASED TO POST-RELEASE SUPERVISION
4 OR RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY WHERE HE OR
5 SHE WAS CONFINED, SHALL BE REQUIRED TO PARTICIPATE IN THE CRIMINAL
6 STREET GANG OFFENDER REGISTRATION PROGRAM ESTABLISHED PURSUANT TO ARTI-
7 CLE SIX-D OF THE CORRECTION LAW FOR A PERIOD OF FIVE YEARS; AND

8 2. IN ADDITION TO ANY OTHER PENALTY IMPOSED UNDER THIS ARTICLE OR ANY
9 OTHER LAW, A PERSON CONVICTED OF THE CRIME OF PARTICIPATION IN CRIMINAL
10 STREET GANG ACTIVITY OR THE CRIME OF SOLICITATION FOR PARTICIPATION IN A
11 CRIMINAL STREET GANG WHO IS RELEASED ON PROBATION OR DISCHARGED UPON
12 PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE, OR
13 WHO IS TO BE DISCHARGED, PAROLED, RELEASED TO POST-RELEASE SUPERVISION
14 OR RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY WHERE HE OR
15 SHE WAS CONFINED, SHALL BE REQUIRED TO PARTICIPATE IN THE CRIMINAL
16 STREET GANG OFFENDER REGISTRATION PROGRAM ESTABLISHED PURSUANT TO ARTI-
17 CLE SIX-D OF THE CORRECTION LAW FOR A PERIOD OF TEN YEARS.
18 S 495.12 SENTENCING.

19 1. WHEN A PERSON IS CONVICTED OF THE CRIME OF PARTICIPATION IN CRIMI-
20 NAL STREET GANG ACTIVITY PURSUANT TO THIS ARTICLE, AND THE SPECIFIED
21 OFFENSE IS A VIOLENT FELONY OFFENSE, AS DEFINED IN SECTION 70.02 OF THIS
22 CHAPTER, THE CRIME OF PARTICIPATION IN CRIMINAL STREET GANG ACTIVITY
23 SHALL BE DEEMED A VIOLENT FELONY OFFENSE.

24 2. WHEN A PERSON IS CONVICTED OF THE CRIME OF PARTICIPATION IN CRIMI-
25 NAL STREET GANG ACTIVITY PURSUANT TO THIS ARTICLE AND THE SPECIFIED
26 OFFENSE IS A MISDEMEANOR OR A CLASS C, D OR E FELONY, THE CRIME OF
27 PARTICIPATION IN CRIMINAL STREET GANG ACTIVITY SHALL BE DEEMED TO BE ONE
28 CATEGORY HIGHER THAN THE SPECIFIED OFFENSE THE DEFENDANT COMMITTED, OR
29 ONE CATEGORY HIGHER THAN THE OFFENSE LEVEL APPLICABLE TO THE DEFENDANT'S
30 CONVICTION FOR AN ATTEMPT OR CONSPIRACY TO COMMIT A SPECIFIED OFFENSE,
31 WHICHEVER IS APPLICABLE.

32 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A PERSON IS
33 CONVICTED OF THE CRIME OF PARTICIPATION IN CRIMINAL STREET GANG ACTIVITY
34 PURSUANT TO THIS ARTICLE AND THE SPECIFIED OFFENSE IS A CLASS B FELONY:

35 (A) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE MUST BE AT LEAST
36 SIX YEARS OF IMPRISONMENT IF THE DEFENDANT IS SENTENCED PURSUANT TO
37 SECTION 70.00 OF THIS CHAPTER;

38 (B) THE TERM OF THE DETERMINATE SENTENCE MUST BE AT LEAST EIGHT YEARS
39 OF IMPRISONMENT IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.02
40 OF THIS CHAPTER;

41 (C) THE TERM OF THE DETERMINATE SENTENCE MUST BE AT LEAST TWELVE YEARS
42 OF IMPRISONMENT IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.04
43 OF THIS CHAPTER;

44 (D) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE MUST BE AT LEAST
45 FOUR YEARS OF IMPRISONMENT IF THE DEFENDANT IS SENTENCED PURSUANT TO
46 SECTION 70.05 OF THIS CHAPTER; AND

47 (E) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE OR THE TERM OF THE
48 DETERMINATE SENTENCE MUST BE AT LEAST TEN YEARS OF IMPRISONMENT IF THE
49 DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.06 OF THIS CHAPTER.

50 4. ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTAND-
51 ING, WHEN A PERSON IS CONVICTED OF THE CRIME OF PARTICIPATION IN CRIMI-
52 NAL STREET GANG ACTIVITY PURSUANT TO THIS ARTICLE AND THE SPECIFIED
53 OFFENSE IS A CLASS A-1 FELONY, THE MINIMUM PERIOD OF THE INDETERMINATE
54 SENTENCE SHALL BE NOT LESS THAN TWENTY YEARS OF IMPRISONMENT.

55 NOTWITHSTANDING ANY OTHER LAW, THE COURT MAY STRIKE THE ADDITIONAL
56 PUNISHMENT FOR THE ENHANCEMENTS PROVIDED IN SUBDIVISIONS ONE THROUGH

1 FOUR OF THIS SECTION OR REFUSE TO IMPOSE THE MINIMUM JAIL SENTENCE FOR
2 MISDEMEANORS IN AN UNUSUAL CASE WHERE THE INTERESTS OF JUSTICE WOULD
3 BEST BE SERVED, IF THE COURT SPECIFIES ON THE RECORD AND ENTERS INTO THE
4 MINUTES THE CIRCUMSTANCES INDICATING THE MANNER IN WHICH THE INTERESTS
5 OF JUSTICE WOULD BEST BE SERVED BY SUCH DISPOSITION.

6 NOTWITHSTANDING THE FOREGOING, IN THE CASE OF A MINOR FOUND TO BE
7 GUILTY OF AN OFFENSE DESCRIBED IN THIS ARTICLE WHO IS A FIRST-TIME
8 OFFENDER, THE COURT MAY ORDER THAT A PARENT OR GUARDIAN RETAIN CUSTODY
9 OF THAT MINOR, AND MAY ORDER THE PARENT OR GUARDIAN TO ATTEND ANTI-GANG
10 VIOLENCE PARENTING CLASSES ESTABLISHED PURSUANT TO STANDARDS OF THE
11 DIVISION OF CRIMINAL JUSTICE SERVICES. THE FATHER, MOTHER, SPOUSE, OR
12 OTHER PERSON LIABLE FOR THE SUPPORT OF THE MINOR, THE ESTATE OF THAT
13 PERSON, AND THE ESTATE OF THE MINOR SHALL BE LIABLE FOR THE COST OF
14 CLASSES ORDERED PURSUANT TO THIS SECTION, UNLESS THE COURT FINDS THAT
15 THE PERSON OR ESTATE DOES NOT HAVE THE FINANCIAL ABILITY TO PAY. IN
16 EVALUATING FINANCIAL ABILITY TO PAY, THE COURT SHALL TAKE INTO CONSIDER-
17 ATION THE COMBINED HOUSEHOLD INCOME, THE NECESSARY OBLIGATIONS OF THE
18 HOUSEHOLD, THE NUMBER OF PERSONS DEPENDENT UPON THIS INCOME, AND WHETHER
19 REDUCED MONTHLY PAYMENTS WOULD OBTAIN THE NEED TO WAIVE LIABILITY FOR
20 THE FULL COSTS.

21 S 7. The opening paragraph of paragraph (h) of subdivision 2 of
22 section 1349 of the civil practice law and rules, as added by chapter
23 655 of the laws of 1990, is amended to read as follows:

24 [All] EXCEPT WITH RESPECT TO A CIRCUMSTANCE TO WHICH PARAGRAPH (I) OF
25 THIS SUBDIVISION APPLIES, ALL moneys remaining after distributions
26 pursuant to paragraphs (a) through (g) of this subdivision shall be
27 distributed as follows:

28 S 8. Subdivision 2 of section 1349 of the civil practice law and rules
29 is amended by adding a new paragraph (i) to read as follows:

30 (I) IF THE DEFENDANT AGAINST WHOM A FORFEITURE ACTION IS COMMENCED IS
31 CONVICTED OF AN OFFENSE LISTED IN ARTICLE FOUR HUNDRED NINETY-FIVE OF
32 THE PENAL LAW, ALL MONEYS REMAINING AFTER DISTRIBUTIONS PURSUANT TO
33 PARAGRAPHS (A) THROUGH (G) OF THIS SUBDIVISION SHALL BE DISTRIBUTED TO
34 THE CRIMINAL STREET GANG PREVENTION FUND, ESTABLISHED PURSUANT TO
35 SECTION NINETY-SEVEN-KKKK OF THE STATE FINANCE LAW.

36 S 9. The state finance law is amended by adding a new section 97-kkkk
37 to read as follows:

38 S 97-KKKK. CRIMINAL STREET GANG PREVENTION FUND. 1. THERE IS HEREBY
39 ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE
40 COMMISSIONER OF TAXATION AND FINANCE AN ACCOUNT OF THE MISCELLANEOUS
41 SPECIAL REVENUE FUND TO BE KNOWN AS THE CRIMINAL STREET GANG PREVENTION
42 FUND.

43 2. THE COMPTROLLER IS AUTHORIZED AND DIRECTED TO RECEIVE FOR DEPOSIT
44 TO THE CREDIT OF THE CULTURAL EDUCATION ACCOUNT REVENUES DESIGNATED FOR
45 SUCH DEPOSIT BY LAW OR APPROPRIATION.

46 3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE,
47 SHALL BE AVAILABLE TO SUPPORT THE CRIMINAL STREET GANG AND VIOLENCE
48 PREVENTION PARTNERSHIP PROGRAM ESTABLISHED PURSUANT TO SECTION TWELVE
49 HUNDRED THIRTEEN OF THE EDUCATION LAW.

50 S 10. Section 109 of the correction law is renumbered section 110 and
51 a new section 109 is added to read as follows:

52 S 109. INTERSTATE INSTITUTIONALIZATION OF CRIMINAL STREET GANG LEAD-
53 ERS. THE DEPARTMENT SHALL ESTABLISH A PROGRAM, AFTER CONSULTATION WITH
54 THE DIVISION OF CRIMINAL JUSTICE SERVICES AND WITH CHIEFS AND COMMIS-
55 SIONERS OF POLICE, UNDER WHICH THE LEADERS OF CRIMINAL STREET GANGS MAY

BE SENT TO OTHER STATE INSTITUTIONS PURSUANT TO AGREEMENTS EXECUTED UNDER SECTION ONE HUNDRED THREE OF THIS CHAPTER.

S 11. The correction law is amended by adding a new article 6-D to read as follows:

ARTICLE 6-D

CRIMINAL STREET GANG OFFENDER REGISTRATION ACT

SECTION 169. SHORT TITLE.

169-A. DEFINITIONS.

169-B. DUTIES OF THE DIVISION; REGISTRATION INFORMATION.

169-C. CRIMINAL STREET GANG DATABASE.

169-D. CRIMINAL STREET GANG OFFENDER; RELOCATION; NOTIFICATION.

169-E. DUTIES OF THE COURT.

169-F. DISCHARGE OF CRIMINAL STREET GANG OFFENDER FROM CORRECTIONAL FACILITY; DUTIES OF OFFICIAL IN CHARGE.

169-G. DUTY TO REGISTER AND TO VERIFY.

169-H. DURATION OF REGISTRATION AND VERIFICATION; REQUIREMENTS.

169-I. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF ADDRESS.

169-J. REVIEW.

169-K. IMMUNITY FROM LIABILITY.

169-L. ANNUAL REPORT.

169-M. PENALTY.

169-N. UNAUTHORIZED RELEASE OF INFORMATION.

169-O. SEPARABILITY.

S 169. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "CRIMINAL STREET GANG OFFENDER REGISTRATION ACT".

S 169-A. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING DEFINITIONS APPLY:

1. "CRIMINAL STREET GANG OFFENDER" MEANS ANY PERSON CONVICTED OF ANY OFFENSE LISTED IN SUBDIVISION TWO OF THIS SECTION. ANY CONVICTION SET ASIDE PURSUANT TO LAW IS NOT A CONVICTION FOR PURPOSES OF THIS ARTICLE.

2. "CRIMINAL STREET GANG OFFENSE" MEANS A CONVICTION OF OR A CONVICTION FOR AN ATTEMPT TO COMMIT ANY OF THE CRIMES LISTED IN SECTIONS 495.02 AND 495.03 OF THE PENAL LAW RELATING TO PARTICIPATION IN OR SOLICITATION FOR PARTICIPATION IN A CRIMINAL STREET GANG OR CRIMINAL STREET GANG ACTIVITY, UNLESS UPON MOTION BY THE DEFENDANT, THE TRIAL COURT, HAVING REGARD TO THE NATURE AND CIRCUMSTANCES OF THE CRIME AND TO THE HISTORY AND CHARACTER OF THE DEFENDANT, IS OF THE OPINION THAT REGISTRATION WOULD BE UNDULY HARSH AND INAPPROPRIATE.

3. "LAW ENFORCEMENT AGENCY HAVING JURISDICTION" MEANS: (A) (I) THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH THE OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PROBATION, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR UPON ANY FORM OF STATE OR LOCAL CONDITIONAL RELEASE; OR (II) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY IN WHICH THE OFFENDER EXPECTS TO RESIDE; OR (III) IF THERE BE NO CHIEF ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN, CITY OR COUNTY, THE DIVISION OF STATE POLICE;

(B) IN THE CASE OF A CRIMINAL STREET GANG OFFENDER WHO IS OR EXPECTS TO BE ENROLLED, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AT AN INSTITUTION OF HIGHER EDUCATION: (I) THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH SUCH INSTITUTION IS LOCATED; OR (II) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY IN WHICH SUCH INSTITUTION IS LOCATED; OR (III) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN, CITY OR COUNTY, THE DIVISION

1 OF STATE POLICE; AND (IV) IF SUCH INSTITUTION OPERATES OR EMPLOYS A
2 CAMPUS LAW ENFORCEMENT OR SECURITY AGENCY, THE CHIEF OF SUCH AGENCY; AND
3 (C) IN THE CASE OF A CRIMINAL STREET GANG OFFENDER WHO EXPECTS TO
4 RESIDE WITHIN A STATE PARK OR ON OTHER LAND UNDER THE JURISDICTION OF
5 THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE STATE
6 REGIONAL PARK POLICE.

7 4. "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE SERVICES AS
8 DEFINED BY SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW.

9 5. "LOCAL CORRECTIONAL FACILITY" MEANS A LOCAL CORRECTIONAL FACILITY
10 AS THAT TERM IS DEFINED IN SUBDIVISION SIXTEEN OF SECTION TWO OF THIS
11 CHAPTER.

12 6. "PROBATION" MEANS A SENTENCE OF PROBATION IMPOSED PURSUANT TO ARTI-
13 CLE SIXTY-FIVE OF THE PENAL LAW AND SHALL INCLUDE A SENTENCE OF IMPRI-
14 SONMENT IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION.

15 7. "INSTITUTION OF HIGHER EDUCATION" MEANS AN INSTITUTION IN THE STATE
16 PROVIDING HIGHER EDUCATION AS SUCH TERM IS DEFINED IN SUBDIVISION EIGHT
17 OF SECTION TWO OF THE EDUCATION LAW.

18 S 169-B. DUTIES OF THE DIVISION; REGISTRATION INFORMATION. 1. THE
19 DIVISION SHALL ESTABLISH AND MAINTAIN A FILE OF INDIVIDUALS REQUIRED TO
20 REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHICH SHALL INCLUDE
21 THE FOLLOWING INFORMATION OF EACH REGISTRANT:

22 (A) THE CRIMINAL STREET GANG OFFENDER'S NAME, ALL ALIASES USED, DATE
23 OF BIRTH, SEX, RACE, HEIGHT, WEIGHT, EYE COLOR, DRIVER'S LICENSE NUMBER,
24 HOME ADDRESS AND/OR EXPECTED PLACE OF DOMICILE, ANY INTERNET ACCOUNTS
25 WITH INTERNET ACCESS PROVIDERS BELONGING TO SUCH OFFENDER AND INTERNET
26 IDENTIFIERS THAT SUCH OFFENDER USES.

27 (B) A PHOTOGRAPH AND SET OF FINGERPRINTS, THE PHOTOGRAPH TO BE UPDATED
28 AS OFTEN AS THE DIVISION SHALL DEEM NECESSARY BUT NOT LESS THAN ONCE
29 EVERY TWO YEARS.

30 (C) A DESCRIPTION OF THE OFFENSE FOR WHICH THE CRIMINAL STREET GANG
31 OFFENDER WAS CONVICTED, THE DATE OF CONVICTION AND THE SENTENCE IMPOSED.

32 (D) THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION AT
33 WHICH THE CRIMINAL STREET GANG OFFENDER IS OR EXPECTS TO BE ENROLLED,
34 ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER SUCH
35 OFFENDER RESIDES IN OR WILL RESIDE IN A FACILITY OWNED OR OPERATED BY
36 SUCH INSTITUTION.

37 (E) ANY OTHER INFORMATION DEEMED PERTINENT BY THE DIVISION.

38 2. (A) THE DIVISION IS AUTHORIZED TO MAKE THE REGISTRY AVAILABLE TO
39 ANY REGIONAL OR NATIONAL REGISTRY OF CRIMINAL STREET GANG OFFENDERS, OR
40 REGISTRY THAT HAS A PRINCIPAL, SHARED, OR SIMILAR PURPOSE, HOWEVER
41 NAMED, FOR THE PURPOSE OF SHARING INFORMATION. THE DIVISION SHALL ACCEPT
42 FILES FROM ANY SUCH REGIONAL OR NATIONAL REGISTRY OF CRIMINAL STREET
43 GANG OFFENDERS AND SHALL MAKE SUCH FILES AVAILABLE WHEN REQUESTED PURSU-
44 ANT TO THE PROVISIONS OF THIS ARTICLE.

45 (B) NO OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY, WHETHER PUBLIC
46 OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY FOR
47 DAMAGES FOR ANY DECISION OR ACTION MADE IN THE ORDINARY COURSE OF BUSI-
48 NESS OF THAT OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY PURSUANT TO
49 THIS SUBDIVISION, PROVIDED THAT SUCH OFFICIAL, AGENCY, AUTHORIZED PERSON
50 OR ENTITY ACTED REASONABLY AND IN GOOD FAITH WITH RESPECT TO SUCH REGIS-
51 TRY INFORMATION.

52 (C) THE DIVISION SHALL REQUIRE THAT NO INFORMATION INCLUDED IN THE
53 REGISTRY SHALL BE MADE AVAILABLE EXCEPT IN FURTHERANCE OF THE PROVISIONS
54 OF THIS ARTICLE.

55 3. THE DIVISION SHALL DEVELOP A STANDARDIZED REGISTRATION FORM TO BE
56 MADE AVAILABLE TO THE APPROPRIATE AUTHORITIES AND PROMULGATE RULES AND

REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION. SUCH FORM SHALL BE WRITTEN IN CLEAR AND CONCISE LANGUAGE AND SHALL ADVISE THE CRIMINAL STREET GANG OFFENDER OF HIS OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE.

4. THE DIVISION SHALL MAIL A NON-FORWARDABLE VERIFICATION FORM TO THE LAST REPORTED ADDRESS OF THE CRIMINAL STREET GANG OFFENDER FOR ANNUAL VERIFICATION REQUIREMENTS.

5. THE DIVISION SHALL ESTABLISH AND OPERATE A TELEPHONE NUMBER AS PROVIDED IN THIS ARTICLE.

6. THE DIVISION SHALL CHARGE A FEE OF TEN DOLLARS EACH TIME A CRIMINAL STREET GANG OFFENDER REGISTERS ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION AS REQUIRED BY THIS ARTICLE. THE FEE SHALL BE PAID TO THE DIVISION BY THE CRIMINAL STREET GANG OFFENDER. THE STATE COMPTROLLER IS HEREBY AUTHORIZED TO DEPOSIT SUCH FEES INTO THE GENERAL FUND.

S 169-C. CRIMINAL STREET GANG DATABASE. IN DEVELOPING AND MAINTAINING THE STATEWIDE REGISTRATION SYSTEM REQUIRED BY THIS ARTICLE, THE DIVISION MAY ESTABLISH A CRIMINAL STREET GANG DATABASE. IN DOING SO, THE DIVISION SHALL:

1. CREATE A UNIFORM REPORTING FORMAT FOR THE ENTRY OF PERTINENT INFORMATION REGARDING THE REPORT OF AN ARRESTED CRIMINAL STREET GANG MEMBER OR ORGANIZED GANG AFFILIATES INTO THE DATABASE;

2. NOTIFY ALL STATE AND LOCAL LAW ENFORCEMENT AGENCIES THAT REPORTS OF ARRESTED CRIMINAL STREET GANG MEMBERS OR ORGANIZED GANG AFFILIATES SHALL BE ENTERED INTO THE STATEWIDE GANG DATABASE AS SOON AS THE MINIMUM LEVEL OF DATA, TO BE SPECIFIED BY THE DIVISION, IS AVAILABLE TO THE REPORTING AGENCY;

3. DEVELOP AND IMPLEMENT A POLICY FOR NOTIFYING STATE AND LOCAL LAW ENFORCEMENT AGENCIES OF THE EMERGENCE OF NEW ORGANIZED CRIMINAL STREET GANGS OR THE CHANGE OF A NAME OR OTHER IDENTIFYING INFORMATION SIGN OR SYMBOL OF AN EXISTING ORGANIZED CRIMINAL STREET GANG;

4. COMPILE AND RETAIN INFORMATION REGARDING ORGANIZED CRIMINAL STREET GANGS AND THEIR MEMBERS AND AFFILIATES IN A MANNER THAT ALLOWS THE INFORMATION TO BE USED BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES, AND OTHER STATE AGENCIES;

5. COMPILE AND MAINTAIN AN HISTORIC DATA REPOSITORY RELATING TO ORGANIZED CRIMINAL STREET GANGS AND THEIR MEMBERS AND AFFILIATES IN ORDER TO DEVELOP AND IMPROVE TECHNIQUES UTILIZED BY LAW ENFORCEMENT AGENCIES AND PROSECUTORS IN THE INVESTIGATION, APPREHENSION, AND PROSECUTION OF MEMBERS AND AFFILIATES OF ORGANIZED CRIMINAL STREET GANGS; AND

6. CREATE A QUALITY CONTROL PROGRAM REGARDING CONFIRMATION OF ORGANIZED CRIMINAL STREET GANG MEMBERSHIP AND ORGANIZED CRIMINAL STREET GANG AFFILIATION DATA, TIMELINESS AND ACCURACY OF INFORMATION ENTERED INTO THE STATEWIDE CRIMINAL STREET GANG DATABASE AND PERFORMANCE AUDITS OF ALL AGENCIES ENTERING INFORMATION.

S 169-D. CRIMINAL STREET GANG OFFENDER; RELOCATION; NOTIFICATION. 1. IT SHALL BE THE DUTY OF THE DEPARTMENT OR LOCAL CORRECTIONAL FACILITY, AT LEAST TEN CALENDAR DAYS PRIOR TO THE RELEASE OR DISCHARGE OF ANY CRIMINAL STREET GANG OFFENDER FROM A CORRECTIONAL FACILITY OR LOCAL CORRECTIONAL FACILITY, TO NOTIFY THE DIVISION OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH CRIMINAL STREET GANG OFFENDER, INFORMING THE DIVISION IN WRITING ON A FORM PROVIDED BY THE DIVISION INDICATING THE ADDRESS AT WHICH SUCH CRIMINAL STREET GANG OFFENDER PROPOSES TO RESIDE AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION AT WHICH HE OR SHE EXPECTS TO BE ENROLLED, ATTENDING OR EMPLOYED, WHETH-

1 ER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE RESIDES IN OR WILL
2 RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH INSTITUTION. IF SUCH
3 CRIMINAL STREET GANG OFFENDER CHANGES HIS OR HER PLACE OF RESIDENCE
4 WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE
5 SENT BY THE CRIMINAL STREET GANG OFFENDER'S PAROLE OFFICER WITHIN
6 FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION. IF
7 SUCH CRIMINAL STREET GANG OFFENDER CHANGES THE STATUS OF HIS OR HER
8 ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF
9 HIGHER EDUCATION WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF
10 STATUS SHALL BE SENT BY THE CRIMINAL STREET GANG OFFENDER'S PAROLE OFFI-
11 CER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE
12 DIVISION.

13 2. IN THE CASE OF ANY CRIMINAL STREET GANG OFFENDER ON PROBATION, IT
14 SHALL BE THE DUTY OF THE CRIMINAL STREET GANG OFFENDER'S PROBATION OFFI-
15 CER TO NOTIFY THE DIVISION WITHIN FORTY-EIGHT HOURS OF THE NEW PLACE OF
16 RESIDENCE ON A FORM PROVIDED BY THE DIVISION. IF SUCH CRIMINAL STREET
17 GANG OFFENDER CHANGES THE STATUS OF HIS OR HER ENROLLMENT, ATTENDANCE,
18 EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION WHILE ON
19 PROBATION, SUCH NOTIFICATION OF THE CHANGE OF STATUS SHALL BE SENT BY
20 THE CRIMINAL STREET GANG OFFENDER'S PROBATION OFFICER WITHIN FORTY-EIGHT
21 HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION.

22 3. WHEN A CRIMINAL STREET GANG OFFENDER ESCAPES FROM A STATE OR LOCAL
23 CORRECTIONAL FACILITY, THE DESIGNATED OFFICIAL OF THE FACILITY WHERE
24 SUCH OFFENDER WAS CONFINED SHALL NOTIFY WITHIN TWENTY-FOUR HOURS THE LAW
25 ENFORCEMENT AGENCY THAT HAD JURISDICTION AT THE TIME OF HIS OR HER
26 CONVICTION, INFORMING SUCH LAW ENFORCEMENT AGENCY OF THE NAME AND ALIAS-
27 ES OF THE PERSON, AND THE ADDRESS AT WHICH HE OR SHE RESIDED AT THE TIME
28 OF HIS OR HER CONVICTION, THE AMOUNT OF TIME REMAINING TO BE SERVED, IF
29 ANY, ON THE FULL TERM FOR WHICH HE OR SHE WAS SENTENCED, AND THE NATURE
30 OF THE CRIME FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME
31 TIME A COPY OF SUCH CRIMINAL STREET GANG OFFENDER'S FINGERPRINTS AND
32 PHOTOGRAPH AND A SUMMARY OF HIS OR HER CRIMINAL RECORD.

33 4. THE DIVISION SHALL PROVIDE GENERAL INFORMATION, IN REGISTRATION
34 MATERIALS AND ANNUAL CORRESPONDENCE, TO REGISTRANTS CONCERNING NOTIFICA-
35 TION AND REGISTRATION PROCEDURES THAT MAY APPLY IF THE REGISTRANT IS
36 AUTHORIZED TO RELOCATE AND RELOCATES TO ANOTHER STATE OR UNITED STATES
37 POSSESSION, OR COMMENCES EMPLOYMENT OR ATTENDANCE AT AN EDUCATIONAL
38 INSTITUTION IN ANOTHER STATE OR UNITED STATES POSSESSION. SUCH INFORMA-
39 TION SHALL INCLUDE ADDRESSES AND TELEPHONE NUMBERS FOR RELEVANT AGENCIES
40 FROM WHICH ADDITIONAL INFORMATION MAY BE OBTAINED.

41 S 169-E. DUTIES OF THE COURT. 1. UPON CONVICTION OF ANY OF THE
42 OFFENSES SET FORTH IN SUBDIVISION TWO OF SECTION ONE HUNDRED
43 SIXTY-NINE-A OF THIS ARTICLE THE COURT SHALL CERTIFY THAT THE PERSON IS
44 A CRIMINAL STREET GANG OFFENDER AND SHALL INCLUDE THE CERTIFICATION IN
45 THE ORDER OF COMMITMENT, IF ANY, AND JUDGMENT OF CONVICTION. THE COURT
46 SHALL ADVISE THE CRIMINAL STREET GANG OFFENDER OF HIS OR HER DUTIES
47 UNDER THIS ARTICLE. FAILURE TO INCLUDE THE CERTIFICATION IN THE ORDER OF
48 COMMITMENT OR THE JUDGMENT OF CONVICTION SHALL NOT RELIEVE A CRIMINAL
49 STREET GANG OFFENDER OF THE OBLIGATIONS IMPOSED BY THIS ARTICLE.

50 2. A CRIMINAL STREET GANG OFFENDER RELEASED ON PROBATION OR DISCHARGED
51 UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE
52 SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE, BE INFORMED OF HIS OR HER
53 DUTY TO REGISTER AS REQUIRED BY THIS ARTICLE BY THE COURT IN WHICH HE OR
54 SHE WAS CONVICTED. AT THE TIME SENTENCE IS IMPOSED, SUCH CRIMINAL STREET
55 GANG OFFENDER SHALL REGISTER WITH THE DIVISION ON A FORM PREPARED BY THE
56 DIVISION. THE COURT SHALL REQUIRE THE CRIMINAL STREET GANG OFFENDER TO

1 READ AND SIGN SUCH FORM AND TO COMPLETE THE REGISTRATION PORTION OF SUCH
2 FORM, WHICH SHALL INCLUDE THE ADDRESS WHERE THE CRIMINAL STREET GANG
3 OFFENDER EXPECTS TO RESIDE UPON HIS OR HER RELEASE, AND THE NAME AND
4 ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION HE OR SHE EXPECTS TO BE
5 EMPLOYED BY OR ENROLLED IN, WHETHER FOR COMPENSATION OR NOT, AND WHETHER
6 HE OR SHE EXPECTS TO RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH AN
7 INSTITUTION, AND SHALL REPORT SUCH INFORMATION TO THE DIVISION. THE
8 COURT SHALL GIVE ONE COPY OF THE FORM TO THE CRIMINAL STREET GANG OFFEN-
9 DER AND SHALL SEND TWO COPIES TO THE DIVISION WHICH SHALL FORWARD THE
10 INFORMATION TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION.

11 S 169-F. DISCHARGE OF CRIMINAL STREET GANG OFFENDER FROM CORRECTIONAL
12 FACILITY; DUTIES OF OFFICIAL IN CHARGE. 1. A CRIMINAL STREET GANG
13 OFFENDER, TO BE DISCHARGED, PAROLED, RELEASED TO POST-RELEASE SUPER-
14 VISION OR RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY WHERE
15 HE OR SHE WAS CONFINED SHALL AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO
16 DISCHARGE, PAROLE OR RELEASE, BE INFORMED OF HIS OR HER DUTY TO REGISTER
17 UNDER THIS ARTICLE BY THE FACILITY IN WHICH HE OR SHE WAS CONFINED OR
18 COMMITTED. THE FACILITY SHALL REQUIRE THE CRIMINAL STREET GANG OFFENDER
19 TO READ AND SIGN SUCH FORM AS MAY BE REQUIRED BY THE DIVISION STATING
20 THE DUTY TO REGISTER AND THE PROCEDURE FOR REGISTRATION HAS BEEN
21 EXPLAINED TO HIM OR HER AND TO COMPLETE THE REGISTRATION PORTION OF SUCH
22 FORM. THE FACILITY SHALL OBTAIN ON SUCH FORM THE ADDRESS WHERE THE CRIM-
23 INAL STREET GANG OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE,
24 PAROLE OR RELEASE AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER
25 EDUCATION HE OR SHE EXPECTS TO BE EMPLOYED BY OR ENROLLED IN, WHETHER
26 FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE EXPECTS TO RESIDE IN A
27 FACILITY OWNED OR OPERATED BY SUCH AN INSTITUTION, AND SHALL REPORT SUCH
28 INFORMATION TO THE DIVISION. THE FACILITY SHALL GIVE ONE COPY OF THE
29 FORM TO THE CRIMINAL STREET GANG OFFENDER, RETAIN ONE COPY AND SHALL
30 SEND ONE COPY TO THE DIVISION WHICH SHALL PROVIDE THE INFORMATION TO THE
31 LAW ENFORCEMENT AGENCIES HAVING JURISDICTION. THE FACILITY SHALL GIVE
32 THE CRIMINAL STREET GANG OFFENDER A FORM PREPARED BY THE DIVISION, TO
33 REGISTER WITH THE DIVISION AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO
34 RELEASE AND SUCH FORM SHALL BE COMPLETED, SIGNED BY THE CRIMINAL STREET
35 GANG OFFENDER AND SENT TO THE DIVISION BY THE FACILITY AT LEAST TEN DAYS
36 PRIOR TO THE CRIMINAL STREET GANG OFFENDER'S RELEASE OR DISCHARGE.

37 2. THE DIVISION SHALL ALSO IMMEDIATELY TRANSMIT THE CONVICTION DATA
38 AND FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION, IF NOT ALREADY
39 OBTAINED.

40 S 169-G. DUTY TO REGISTER AND TO VERIFY. 1. ANY CRIMINAL STREET GANG
41 OFFENDER SHALL, (A) AT LEAST TEN CALENDAR DAYS PRIOR TO DISCHARGE,
42 PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR RELEASE FROM ANY STATE OR
43 LOCAL CORRECTIONAL FACILITY WHERE HE OR SHE WAS CONFINED, OR, (B) AT THE
44 TIME SENTENCE IS IMPOSED FOR ANY CRIMINAL STREET GANG OFFENDER RELEASED
45 ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE
46 OR UNCONDITIONAL DISCHARGE, REGISTER WITH THE DIVISION ON A FORM
47 PREPARED BY THE DIVISION.

48 2. THE FOLLOWING SHALL APPLY TO ANY CRIMINAL STREET GANG OFFENDER
49 REQUIRED TO REGISTER UNDER THIS ARTICLE ON EACH ANNIVERSARY OF THE CRIM-
50 INAL STREET GANG OFFENDER'S INITIAL REGISTRATION DATE DURING THE PERIOD
51 IN WHICH HE OR SHE IS REQUIRED TO REGISTER UNDER THIS SECTION:

52 (A) THE CRIMINAL STREET GANG OFFENDER SHALL MAIL THE VERIFICATION FORM
53 TO THE DIVISION WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF THE FORM. THE
54 VERIFICATION FORM SHALL BE SIGNED BY THE CRIMINAL STREET GANG OFFENDER,
55 AND SHALL STATE WHETHER HE OR SHE STILL RESIDES AT THE ADDRESS LAST

1 REPORTED TO THE DIVISION, AND STATE WHETHER HE OR SHE IS STILL EMPLOYED
2 AT THE ADDRESS LAST REPORTED TO THE DIVISION.

3 (B) THE CRIMINAL STREET GANG OFFENDER SHALL PERSONALLY APPEAR AT THE
4 LAW ENFORCEMENT AGENCY HAVING JURISDICTION WITHIN TWENTY DAYS OF THE
5 FIRST ANNIVERSARY OF THE CRIMINAL STREET GANG OFFENDER'S INITIAL REGIS-
6 TRATION AND EVERY YEAR THEREAFTER DURING THE PERIOD OF REGISTRATION FOR
7 THE PURPOSE OF PROVIDING A CURRENT PHOTOGRAPH OF SUCH OFFENDER. THE LAW
8 ENFORCEMENT AGENCY HAVING JURISDICTION SHALL PHOTOGRAPH THE CRIMINAL
9 STREET GANG OFFENDER AND SHALL PROMPTLY FORWARD A COPY OF SUCH PHOTO-
10 GRAPH TO THE DIVISION. FOR PURPOSES OF THIS PARAGRAPH, IF SUCH CRIMINAL
11 STREET GANG OFFENDER IS CONFINED IN A STATE OR LOCAL CORRECTIONAL FACIL-
12 ITY, THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION SHALL BE THE
13 WARDEN, SUPERINTENDENT, SHERIFF OR OTHER PERSON IN CHARGE OF THE STATE
14 OR LOCAL CORRECTIONAL FACILITY.

15 (C) IF THE CRIMINAL STREET GANG OFFENDER FAILS TO MAIL THE SIGNED
16 VERIFICATION FORM TO THE DIVISION WITHIN TEN CALENDAR DAYS AFTER RECEIPT
17 OF THE FORM, HE OR SHE SHALL BE IN VIOLATION OF THIS SECTION UNLESS HE
18 PROVES THAT HE OR SHE HAS NOT CHANGED HIS OR HER RESIDENCE ADDRESS.

19 (D) THE FOREGOING PROVISIONS OF THIS SECTION TO THE CONTRARY NOTWITH-
20 STANDING, THE DUTY TO PERSONALLY APPEAR FOR AN UPDATED PHOTOGRAPH AS
21 REQUIRED BY THIS SECTION SHALL BE TEMPORARILY SUSPENDED DURING ANY PERI-
22 OD IN WHICH THE CRIMINAL STREET GANG OFFENDER IS CONFINED IN ANY HOSPI-
23 TAL OR INSTITUTION, AND SUCH CRIMINAL STREET GANG OFFENDER SHALL
24 PERSONALLY APPEAR FOR SUCH UPDATED PHOTOGRAPH NO LATER THAN NINETY DAYS
25 AFTER RELEASE FROM SUCH HOSPITAL OR INSTITUTION, OR AN ALTERNATE LATER
26 DATE SCHEDULED BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION.

27 3. A CRIMINAL STREET GANG OFFENDER SHALL REGISTER WITH THE DIVISION NO
28 LATER THAN TEN CALENDAR DAYS AFTER ANY CHANGE OF ADDRESS, INTERNET
29 ACCOUNTS WITH INTERNET ACCESS PROVIDERS BELONGING TO SUCH OFFENDER,
30 INTERNET IDENTIFIERS THAT SUCH OFFENDER USES, OR HIS OR HER STATUS OF
31 ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF
32 HIGHER EDUCATION. A FEE OF TEN DOLLARS, AS AUTHORIZED BY SUBDIVISION SIX
33 OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, SHALL BE SUBMITTED
34 BY THE CRIMINAL STREET GANG OFFENDER EACH TIME SUCH OFFENDER REGISTERS
35 ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS OR HER STATUS OF ENROLLMENT,
36 ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCA-
37 TION. ANY FAILURE OR OMISSION TO SUBMIT THE REQUIRED FEE SHALL NOT
38 AFFECT THE ACCEPTANCE BY THE DIVISION OF THE CHANGE OF ADDRESS OR CHANGE
39 OF STATUS.

40 4. THE DUTY TO REGISTER UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT
41 BE APPLICABLE TO ANY CRIMINAL STREET GANG OFFENDER WHOSE CONVICTION WAS
42 REVERSED UPON APPEAL OR WHO WAS PARDONED BY THE GOVERNOR.

43 S 169-H. DURATION OF REGISTRATION AND VERIFICATION; REQUIREMENTS. 1.
44 THE DURATION OF REGISTRATION AND VERIFICATION FOR A CRIMINAL STREET GANG
45 OFFENDER SHALL BE ANNUALLY FOR FIVE YEARS FOR A CRIMINAL STREET GANG
46 OFFENDER WHO IS A MISDEMEANOR OFFENDER, AND ANNUALLY FOR TEN YEARS FOR A
47 CRIMINAL STREET GANG OFFENDER WHO IS A FELONY OFFENDER.

48 2. REGISTRATION AND VERIFICATION AS REQUIRED BY THIS ARTICLE SHALL
49 CONSIST OF A STATEMENT IN WRITING SIGNED BY THE CRIMINAL STREET GANG
50 OFFENDER GIVING THE INFORMATION THAT IS REQUIRED BY THE DIVISION AND THE
51 DIVISION SHALL ENTER THE INFORMATION INTO AN APPROPRIATE ELECTRONIC
52 DATABASE OR FILE.

53 S 169-I. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF
54 ADDRESS. UPON RECEIPT OF A CHANGE OF ADDRESS BY A CRIMINAL STREET GANG
55 OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE DIVISION SHALL
56 NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW

1 PLACE OF RESIDENCE AND THE LOCAL LAW ENFORCEMENT AGENCY WHERE THE CRIMI-
2 NAL STREET GANG OFFENDER LAST RESIDED OF THE NEW PLACE OF RESIDENCE. THE
3 DIVISION SHALL, IF THE CRIMINAL STREET GANG OFFENDER CHANGES RESIDENCE
4 TO ANOTHER STATE, NOTIFY THE APPROPRIATE AGENCY WITHIN THAT STATE OF THE
5 NEW PLACE OF RESIDENCE.

6 S 169-J. REVIEW. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
7 CONTRARY, ANY STATE OR LOCAL CORRECTIONAL FACILITY, HOSPITAL OR INSTITU-
8 TION, DISTRICT ATTORNEY, LAW ENFORCEMENT AGENCY, PROBATION DEPARTMENT,
9 DIVISION OF PAROLE, COURT OR CHILD PROTECTIVE AGENCY SHALL FORWARD RELE-
10 VANT INFORMATION PERTAINING TO A CRIMINAL STREET GANG OFFENDER TO BE
11 DISCHARGED, PAROLED, RELEASED TO POST-RELEASE SUPERVISION OR RELEASED TO
12 THE DIVISION FOR REVIEW NO LATER THAN ONE HUNDRED TWENTY DAYS PRIOR TO
13 THE RELEASE OR DISCHARGE AND THE DIVISION SHALL MAKE RECOMMENDATIONS AS
14 PROVIDED IN SECTION ONE HUNDRED SIXTY-NINE-L OF THIS ARTICLE WITHIN
15 SIXTY DAYS OF RECEIPT OF THE INFORMATION. INFORMATION MAY INCLUDE BUT
16 MAY NOT BE LIMITED TO ALL OR A PORTION OF THE ARREST FILE, PROSECUTOR'S
17 FILE, PROBATION OR PAROLE FILE, CHILD PROTECTIVE FILE, COURT FILE,
18 COMMITMENT FILE, MEDICAL FILE AND TREATMENT FILE PERTAINING TO SUCH
19 PERSON. SUCH PERSON SHALL BE PERMITTED TO SUBMIT TO THE BOARD ANY INFOR-
20 MATION RELEVANT TO THE REVIEW. UPON APPLICATION OF THE CRIMINAL STREET
21 GANG OFFENDER OR THE DISTRICT ATTORNEY, THE COURT SHALL SEAL ANY PORTION
22 OF THE BOARD'S FILE PERTAINING TO THE CRIMINAL STREET GANG OFFENDER
23 WHICH CONTAINS MATERIAL THAT IS CONFIDENTIAL UNDER ANY STATE OR FEDERAL
24 LAW; PROVIDED, HOWEVER, THAT IN ANY SUBSEQUENT PROCEEDINGS IN WHICH THE
25 CRIMINAL STREET GANG OFFENDER WHO IS THE SUBJECT OF THE SEALED RECORD IS
26 A PARTY AND WHICH REQUIRES THE BOARD TO PROVIDE A RECOMMENDATION TO THE
27 COURT PURSUANT TO THIS ARTICLE, SUCH SEALED RECORD SHALL BE AVAILABLE TO
28 THE CRIMINAL STREET GANG OFFENDER, THE DISTRICT ATTORNEY, THE COURT AND
29 THE ATTORNEY GENERAL WHERE THE ATTORNEY GENERAL IS A PARTY, OR REPRES-
30 ENTS A PARTY, IN THE PROCEEDING.

31 S 169-K. IMMUNITY FROM LIABILITY. 1. NO OFFICIAL, EMPLOYEE OR AGENCY,
32 WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL
33 LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT
34 AND NECESSARY INFORMATION PURSUANT TO THIS SECTION, UNLESS IT IS SHOWN
35 THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN
36 BAD FAITH. THE IMMUNITY PROVIDED UNDER THIS SECTION APPLIES TO THE
37 RELEASE OF RELEVANT INFORMATION TO OTHER EMPLOYEES OR OFFICIALS OR TO
38 THE GENERAL PUBLIC.

39 2. NOTHING IN THIS SECTION SHALL BE DEEMED TO IMPOSE ANY CIVIL OR
40 CRIMINAL LIABILITY UPON OR TO GIVE RISE TO A CAUSE OF ACTION AGAINST ANY
41 OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, FOR FAILING TO
42 RELEASE INFORMATION AS AUTHORIZED IN THIS SECTION UNLESS IT IS SHOWN
43 THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN
44 BAD FAITH.

45 S 169-L. ANNUAL REPORT. THE DIVISION SHALL ON OR BEFORE FEBRUARY FIRST
46 IN EACH YEAR FILE A REPORT WITH THE GOVERNOR, AND THE LEGISLATURE
47 DETAILING THE PROGRAM, COMPLIANCE WITH PROVISIONS OF THIS ARTICLE AND
48 EFFECTIVENESS OF THE PROVISIONS OF THIS ARTICLE, TOGETHER WITH ANY
49 RECOMMENDATIONS TO FURTHER ENHANCE THE INTENT OF THIS ARTICLE.

50 S 169-M. PENALTY. ANY CRIMINAL STREET GANG OFFENDER REQUIRED TO REGIS-
51 TER OR TO VERIFY PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHO FAILS TO
52 REGISTER OR VERIFY IN THE MANNER AND WITHIN THE TIME PERIODS PROVIDED
53 FOR IN THIS ARTICLE SHALL BE GUILTY OF A CLASS E FELONY UPON CONVICTION
54 FOR THE FIRST OFFENSE. UPON CONVICTION FOR A SECOND OR SUBSEQUENT
55 OFFENSE SUCH CRIMINAL STREET GANG OFFENDER SHALL BE GUILTY OF A CLASS D
56 FELONY.

S 169-N. UNAUTHORIZED RELEASE OF INFORMATION. THE UNAUTHORIZED RELEASE OF ANY INFORMATION REQUIRED TO BE COLLECTED PURSUANT TO THIS ARTICLE SHALL BE A CLASS B MISDEMEANOR.

S 169-O. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE, OR PART THEREOF SHALL BE ADJUDGED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OR ANY OTHER SECTION OR PART THEREOF.

S 12. The education law is amended by adding a new article 25 to read as follows:

ARTICLE 25
GANG PREVENTION

SECTION 1210. GANG PREVENTION.

1211. MODEL GANG VIOLENCE CURRICULUM; PREVENTION ACTIVITIES.

1212. DRESS CODE CONCERNING GANG-RELATED APPAREL.

1213. CRIMINAL STREET GANG AND VIOLENCE PREVENTION PARTNERSHIP PROGRAM.

S 1210. GANG PREVENTION. THE DEPARTMENT SHALL PREPARE AND DISTRIBUTE TO SCHOOLS GUIDELINES FOR INCORPORATING IN-SERVICE TRAINING IN GANG VIOLENCE FOR TEACHERS, COUNSELORS, ATHLETIC DIRECTORS, SCHOOL BOARD MEMBERS, AND OTHER EDUCATIONAL PERSONNEL INTO THE STAFF DEVELOPMENT PLANS, AND SHALL, UPON REQUEST, ASSIST ANY SCHOOL IN DEVELOPING COMPREHENSIVE GANG VIOLENCE IN-SERVICE TRAINING PROGRAMS. SUCH INFORMATION AND GUIDELINES, TO THE MAXIMUM EXTENT POSSIBLE, SHALL ENCOURAGE SCHOOLS TO AVOID DUPLICATION OF EFFORT BY SHARING RESOURCES; ADAPTING OR ADOPTING MODEL IN-SERVICE TRAINING PROGRAMS; DEVELOPING JOINT AND COLLABORATIVE PROGRAMS; AND COORDINATING EFFORTS WITH EXISTING STATE AND LOCAL GANG VIOLENCE STAFF DEVELOPMENT PROGRAMS, COUNTY AND CITY LAW ENFORCEMENT AGENCIES, AND OTHER PUBLIC AND PRIVATE AGENCIES PROVIDING GANG VIOLENCE PREVENTION, OR OTHER RELATED SERVICES AT THE LOCAL LEVEL.

THE DEPARTMENT SHALL ADDITIONALLY ASSIST SCHOOLS IN QUALIFYING FOR THE RECEIPT OF FEDERAL AND STATE FUNDS TO SUPPORT THEIR GANG VIOLENCE AND DRUG AND ALCOHOL ABUSE PREVENTION IN-SERVICE TRAINING PROGRAMS. THE DEPARTMENT SHALL CONSULT WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING GANG VIOLENCE.

THE TERM "GANG VIOLENCE AND DRUG AND ALCOHOL ABUSE PREVENTION IN-SERVICE TRAINING" AS USED IN THIS SECTION MEANS THE PRESENTATION OF PROGRAMS, INSTRUCTION, AND CURRICULA THAT WILL HELP EDUCATORS DEVELOP COMPETENCIES IN INTERACTING IN A POSITIVE MANNER WITH CHILDREN AND YOUTH TO ASSIST THEM IN DEVELOPING THE POSITIVE VALUES, SELF-ESTEEM, KNOWLEDGE, AND SKILLS TO LEAD PRODUCTIVE, GANG-FREE, AND DRUG-FREE LIVES, INCLUDING THE DEVELOPMENT OF KNOWLEDGE OF THE CAUSES OF GANG VIOLENCE AND SUBSTANCE ABUSE, AND TRAINING REGARDING AVAILABLE INFORMATION AND RESOURCES CONCERNING GANG VIOLENCE.

S 1211. MODEL GANG VIOLENCE CURRICULUM; PREVENTION ACTIVITIES. 1. THE DEPARTMENT, IN COLLABORATION WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES, SHALL DEVELOP A MODEL GANG VIOLENCE PREVENTION CURRICULUM FOR USE IN SCHOOLS, AND SHALL PROVIDE FOR AN INDEPENDENT BIENNIAL EVALUATION OF THE CURRICULUM AND OF PUPIL OUTCOMES.

2. IN DEVELOPING THE CURRICULUM, THE DEPARTMENT, IN CONJUNCTION WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES, SHALL ASSESS THE CURRENT STATUS OF SCHOOL CRIME COMMITTED ON SCHOOL CAMPUSES AND AT SCHOOL-RELATED FUNCTIONS, AND IDENTIFY APPROPRIATE STRATEGIES AND PROGRAMS THAT WILL PROVIDE OR MAINTAIN A HIGH LEVEL OF SCHOOL SAFETY AND ADDRESS THE SCHOOL'S PROCEDURES FOR COMPLYING WITH EXISTING LAWS RELATED TO SCHOOL SAFETY.

1 3. UPON REQUEST, THE DEPARTMENT SHALL ASSIST SCHOOL DISTRICTS IN
2 DEVELOPING COMPREHENSIVE GANG VIOLENCE AND DRUG AND ALCOHOL ABUSE
3 PREVENTION IN-SERVICE TRAINING PROGRAMS. SUCH GUIDELINES SHALL TO THE
4 MAXIMUM EXTENT POSSIBLE ENCOURAGE SCHOOL DISTRICTS TO SHARE RESOURCES,
5 DEVELOP JOINT AND COLLABORATIVE PROGRAMS, AND COORDINATE EFFORTS WITH
6 OTHER EXISTING STATE AND LOCAL PROGRAMS.

7 4. THE DEPARTMENT SHALL PREPARE AND DISTRIBUTE TO SCHOOL DISTRICTS
8 GUIDELINES FOR INCORPORATING IN-SERVICE TRAINING IN GANG VIOLENCE AND
9 DRUG AND ALCOHOL ABUSE PREVENTION FOR TEACHERS, COUNSELORS, ATHLETIC
10 DIRECTORS, SCHOOL BOARD MEMBERS, AND OTHER EDUCATIONAL PERSONNEL INTO
11 THE STAFF DEVELOPMENT PLANS OF ALL SCHOOL DISTRICTS AND COUNTY OFFICES
12 OF EDUCATION. SUCH TRAINING SHALL INCLUDE INSTRUCTION TO TEACHERS AND
13 ADMINISTRATORS ON THE SUBTLETIES OF IDENTIFYING CONSTANTLY CHANGING GANG
14 REGALIA AND GANG AFFILIATION.

15 S 1212. DRESS CODE CONCERNING GANG-RELATED APPAREL. ANY OTHER
16 PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING, THE GOVERN-
17 ING BOARD OF ANY SCHOOL DISTRICT MAY ADOPT OR RESCIND A REASONABLE DRESS
18 CODE POLICY THAT REQUIRES PUPILS TO WEAR A SCHOOLWIDE UNIFORM OR PROHIB-
19 ITS PUPILS FROM WEARING "GANG-RELATED APPAREL" IF THE GOVERNING BOARD OF
20 THE SCHOOL DISTRICT APPROVES A PLAN THAT MAY BE INITIATED BY AN INDIVID-
21 UAL SCHOOL'S PRINCIPAL, STAFF, AND PARENTS AND DETERMINES THAT THE POLI-
22 CY IS NECESSARY FOR THE HEALTH AND SAFETY OF THE SCHOOL ENVIRONMENT.
23 INDIVIDUAL SCHOOLS MAY INCLUDE THE REASONABLE DRESS CODE POLICY. THE
24 GOVERNING BOARD SHALL PROVIDE A METHOD WHEREBY PARENTS MAY CHOOSE NOT TO
25 HAVE THEIR CHILDREN COMPLY WITH AN ADOPTED SCHOOL UNIFORM POLICY. NO
26 PUPIL SHALL BE PENALIZED ACADEMICALLY OR OTHERWISE DISCRIMINATED AGAINST
27 NOR DENIED ATTENDANCE TO SCHOOL IF THE PUPIL'S PARENTS CHOSE NOT TO HAVE
28 THE PUPIL COMPLY WITH THE SCHOOL UNIFORM POLICY. THE GOVERNING BOARD
29 SHALL CONTINUE TO HAVE RESPONSIBILITY FOR THE APPROPRIATE EDUCATION OF
30 SUCH PUPILS. THE COMMISSIONER SHALL ADOPT RULES AND REGULATIONS TO CARRY
31 OUT THE INTENT AND PURPOSES OF THIS SECTION.

32 S 1213. CRIMINAL STREET GANG AND VIOLENCE PREVENTION PARTNERSHIP
33 PROGRAM. 1. THE DEPARTMENT, IN COLLABORATION WITH THE DIVISION OF CRIM-
34 INAL JUSTICE SERVICES, SHALL EVALUATE REQUESTS FOR FUNDING FOR PROGRAMS
35 FROM THE CRIMINAL STREET GANG PREVENTION FUND, ESTABLISHED PURSUANT TO
36 SECTION NINETY-SEVEN-KKKK OF THE STATE FINANCE LAW. ALL SUCH FUNDS SHALL
37 BE DISBURSED TO NON-PROFIT AGENCIES THAT COMPLY WITH THE PROGRAM
38 REQUIREMENTS AND WHO MEET FUNDING CRITERIA.

39 2. GRANTS DISBURSED PURSUANT TO THIS SECTION MAY ENHANCE BUT SHALL NOT
40 SUPPLANT LOCAL, STATE, OR FEDERAL FUNDS THAT WOULD OTHERWISE BE AVAIL-
41 ABLE FOR THE PREVENTION OR INTERVENTION OF YOUTH INVOLVEMENT IN GANGS,
42 CRIME, OR VIOLENCE. GRANTS SHALL BE AWARDED PURSUANT TO A REQUEST FOR
43 PROPOSALS THAT INFORMS APPLICANTS OF THE PURPOSES AND AVAILABILITY OF
44 FUNDS TO BE AWARDED AND SOLICITS PROPOSALS TO PROVIDE SERVICES CONSIST-
45 ENT WITH THIS ARTICLE. AGENCIES RECEIVING FUNDS PURSUANT TO THIS SECTION
46 SHALL UTILIZE THE FUNDS TO PROVIDE SERVICES AND ACTIVITIES DESIGNED TO
47 PREVENT OR DETER AT-RISK YOUTH FROM PARTICIPATING IN GANGS, CRIMINAL
48 ACTIVITY, OR VIOLENT BEHAVIOR. SUCH FUNDS MAY NOT BE USED FOR SERVICES
49 OR ACTIVITIES RELATED TO SUPPRESSION, LAW ENFORCEMENT, INCARCERATION, OR
50 OTHER PURPOSES NOT RELATED TO THE PREVENTION AND DETERRENCE OF GANGS,
51 CRIME, AND VIOLENCE. NOTHING IN THIS SUBDIVISION SHALL PREVENT FUNDS
52 FROM BEING USED FOR VIOLENCE PREVENTION AND GANG CRIME DETERRENCE
53 SERVICES PROVIDED BY NONPROFIT AGENCIES TO YOUTHS INCARCERATED IN JUVE-
54 NILE DETENTION FACILITIES. SERVICES AND ACTIVITIES PROVIDED WITH FUNDS
55 UNDER THIS SECTION SHALL BE USED FOR AT-RISK YOUTH WHO ARE DEFINED AS
56 PERSONS FROM AGE FIVE TO TWENTY YEARS OF AGE AND WHO ARE CURRENT OR

1 FORMER GANG MEMBERS, OR WHO HAVE ONE OR MORE FAMILY MEMBERS LIVING AT
2 HOME WHO ARE CURRENT OR FORMER MEMBERS OF A GANG.

3 3. THE DEPARTMENT SHALL CONDUCT AN EVALUATION OF THE CRIMINAL STREET
4 GANG AND VIOLENCE PREVENTION PARTNERSHIP PROGRAM AFTER TWO YEARS OF
5 PROGRAM OPERATION AND EACH YEAR THEREAFTER, TO ASSESS THE EFFECTIVENESS
6 AND RESULTS OF THE PROGRAM. THE EVALUATION SHALL BE CONDUCTED BY STAFF
7 OR AN INDEPENDENT BODY THAT HAS EXPERIENCE IN EVALUATING PROGRAMS OPER-
8 ATED BY COMMUNITY-BASED ORGANIZATIONS OR NONPROFIT AGENCIES. AFTER TWO
9 YEARS OF PROGRAM OPERATION, AND EACH YEAR THEREAFTER, THE DEPARTMENT
10 SHALL PREPARE AND SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE DESCRIBING
11 IN DETAIL THE OPERATION OF THE PROGRAM AND THE RESULTS OBTAINED.

12 S 13. The executive law is amended by adding a new section 837-s to
13 read as follows:

14 S 837-S. OFFICE OF CRIMINAL STREET GANG AND YOUTH VIOLENCE PREVENTION.
15 1. ESTABLISHMENT. THERE IS HEREBY ESTABLISHED WITHIN THE DIVISION OF
16 CRIMINAL JUSTICE SERVICES THE OFFICE OF CRIMINAL STREET GANGS AND YOUTH
17 VIOLENCE (HEREINAFTER IN THIS SECTION, THE "OFFICE"). THE HEAD OF SUCH
18 OFFICE SHALL BE THE DIRECTOR OF CRIMINAL STREET GANG AND YOUTH VIOLENCE
19 PREVENTION (HEREINAFTER IN THIS SECTION, THE "DIRECTOR").

20 2. DUTIES AND RESPONSIBILITIES. THE OFFICE SHALL BE RESPONSIBLE FOR
21 IDENTIFYING AND EVALUATING STATE, LOCAL, AND FEDERAL GANG AND YOUTH
22 VIOLENCE SUPPRESSION, INTERVENTION, AND PREVENTION PROGRAMS AND STRATE-
23 GIES, ALONG WITH FUNDING FOR THOSE EFFORTS. THE DIRECTOR SHALL BE
24 RESPONSIBLE FOR MONITORING, ASSESSING, AND COORDINATING THE STATE'S
25 PROGRAMS, STRATEGIES, AND FUNDING THAT ADDRESS GANG AND YOUTH VIOLENCE
26 IN A MANNER THAT MAXIMIZES THE EFFECTIVENESS AND COORDINATION OF THOSE
27 PROGRAMS, STRATEGIES, AND RESOURCES. THE DIRECTOR SHALL COMMUNICATE WITH
28 LOCAL AGENCIES AND PROGRAMS IN AN EFFORT TO PROMOTE THE BEST PRACTICES
29 FOR ADDRESSING GANG AND YOUTH VIOLENCE THROUGH SUPPRESSION, INTER-
30 VENTION, AND PREVENTION. OFFICE ACTIVITIES AS TO SUCH MATTERS SHALL
31 INCLUDE, BUT NOT BE LIMITED TO:

32 (A) DEVELOPING RECOMMENDATIONS TO DEFINE ITS MISSION, ROLE, AND
33 RESPONSIBILITIES AS A STATEWIDE ENTITY DEDICATED TO REDUCING VIOLENCE
34 AND THE PROLIFERATION OF GANGS AND GANG VIOLENCE PURSUANT TO THIS
35 SECTION. IN DEVELOPING RECOMMENDATIONS, THE OFFICE SHALL COLLABORATE
36 WITH STATE AND LOCAL STAKEHOLDERS, INCLUDING, BUT NOT LIMITED TO,
37 NOT-FOR-PROFIT ORGANIZATIONS SERVING AT-RISK POPULATIONS AND NEIGHBOR-
38 HOODS, LAW ENFORCEMENT, EDUCATORS, THE COURTS, POLICY EXPERTS AND SCHOL-
39 ARS WITH EXPERTISE IN THE AREA OF CRIMINAL STREET GANGS, AND LOCAL POLI-
40 CYMAKERS.

41 (B) IN COLLABORATION WITH STATE AND LOCAL STAKEHOLDERS, DEFINING
42 ACTIVITIES INCLUDING:

43 (I) THE COLLECTION AND ANALYSIS OF DATA ON GANG MEMBERSHIP STATEWIDE
44 AND THE EFFECTIVENESS OF VARIOUS GANG PREVENTION EFFORTS.

45 (II) THE DEVELOPMENT OF RELIABLE AND ACCURATE SOURCES OF DATA TO MEAS-
46 URE THE SCALE AND CHARACTERISTICS OF CRIMINAL STREET GANG PROBLEMS.

47 (III) THE DEVELOPMENT OF A CLEARINGHOUSE FOR RESEARCH ON CRIMINAL
48 STREET GANGS, AT-RISK YOUTH, AND PREVENTION AND INTERVENTION PROGRAMS IN
49 ORDER TO IDENTIFY BEST PRACTICES AND EVIDENCE-BASED PROGRAMMING, AS WELL
50 AS UNSUCCESSFUL PRACTICES, IN ORDER TO PROMOTE EFFECTIVE STRATEGIES FOR
51 REDUCING CRIMINAL STREET GANG INVOLVEMENT AND CRIMINAL STREET GANG
52 VIOLENCE.

53 (IV) THE BEST METHODS TO ASSIST STATE AND LOCAL GOVERNMENTAL AND OTHER
54 ORGANIZATIONS IN DEVELOPING CRIMINAL STREET GANG VIOLENCE AND CRIMINAL
55 STREET GANG PREVENTION STRATEGIES, INCLUDING BUILT-IN EVALUATION COMPO-
56 NENTS.

1 (V) THE DEVELOPMENT OF SUSTAINED COORDINATION MECHANISMS AMONG STATE,
2 LOCAL, AND REGIONAL ENTITIES.

3 (VI) THE IDENTIFICATION OF AVAILABLE OR NEEDED FEDERAL, STATE,
4 REGIONAL, LOCAL, AND PRIVATE FUNDING RESOURCES.

5 (VII) THE BEST MEANS TO PROVIDE AND PROMOTE PUBLIC EDUCATION ON EFFEC-
6 TIVE PROGRAMS, MODELS, AND STRATEGIES FOR THE CONTROL OF VIOLENCE AND
7 SERVING AS A CLEARINGHOUSE FOR INFORMATION ON CRIMINAL STREET GANG
8 VIOLENCE PREVENTION ISSUES, PROGRAMS, RESOURCES, AND RESEARCH.

9 (VIII) MEANS OF PROVIDING OR PROMOTING TRAINING AND TECHNICAL ASSIST-
10 ANCE TO HELP BUILD THE CAPACITY OF ORGANIZATIONS, COMMUNITIES, AND LOCAL
11 GOVERNMENT TO DEVELOP, IMPLEMENT, AND EVALUATE CRIMINAL STREET GANG
12 VIOLENCE PREVENTION PROGRAMS.

13 (IX) PROVIDING INFORMATION AND GUIDANCE TO STATE AND LOCAL GOVERN-
14 MENTAL AND NON-GOVERNMENTAL ENTITIES ON ACCESSING STATE AND FEDERAL
15 RESOURCES TO PREVENT CRIMINAL STREET GANG VIOLENCE.

16 (X) FACILITATING GREATER INTEGRATION BETWEEN EXISTING ENTITIES WITH
17 RESPECT TO CRIMINAL STREET GANG PREVENTION EFFORTS.

18 3. REPORT. THE OFFICE SHALL PUBLISH A REPORT OF ITS POLICY RECOMMENDA-
19 TIONS AND ACTIVITIES, WHICH IT SHALL PROVIDE TO THE LEGISLATURE AND THE
20 GOVERNOR, AND MAKE AVAILABLE TO THE PUBLIC ONLINE. THE OFFICE SHALL
21 ANNUALLY UPDATE SUCH REPORT, AND INCLUDE RECOMMENDATIONS FOR MORE EFFEC-
22 TIVE ACTION, PROGRAM CHANGES, AND STATUTORY CHANGES TO BETTER PREVENT
23 THE PROLIFERATION OF CRIMINAL STREET GANGS AND CRIMINAL STREET GANG
24 VIOLENCE.

25 4. CURRICULUM. THE OFFICE IN COLLABORATION WITH THE DEPARTMENT OF
26 EDUCATION, SHALL ESTABLISH CURRICULUM FOR THE ANTI-GANG VIOLENCE PARENT-
27 ING CLASSES REQUIRED PURSUANT TO THIS SECTION, INCLUDING, BUT NOT LIMIT-
28 ED TO, ALL OF THE FOLLOWING CRITERIA:

29 (A) A MEETING IN WHICH THE FAMILIES OF INNOCENT VICTIMS OF CRIMINAL
30 STREET GANG VIOLENCE SHARE THEIR EXPERIENCES.

31 (B) A MEETING IN WHICH THE SURVIVING PARENTS OF A DECEASED CRIMINAL
32 STREET GANG MEMBER SHARE THEIR EXPERIENCE.

33 (C) HOW TO IDENTIFY CRIMINAL STREET GANG AND DRUG-RELATED ACTIVITY IN
34 CHILDREN.

35 (D) HOW TO COMMUNICATE EFFECTIVELY WITH ADOLESCENTS.

36 (E) AN OVERVIEW OF PERTINENT SUPPORT AGENCIES AND ORGANIZATIONS FOR
37 INTERVENTION, EDUCATION, JOB TRAINING, AND POSITIVE RECREATIONAL ACTIV-
38 ITIES, INCLUDING TELEPHONE NUMBERS, LOCATIONS, AND CONTACT NAMES OF
39 THOSE AGENCIES AND ORGANIZATIONS.

40 (F) THE POTENTIAL FINES AND PERIODS OF INCARCERATION FOR THE COMMIS-
41 SION OF ADDITIONAL CRIMINAL STREET GANG-RELATED OFFENSES.

42 (G) THE POTENTIAL PENALTIES THAT MAY BE IMPOSED UPON PARENTS FOR
43 AIDING AND ABETTING CRIMES COMMITTED BY THEIR CHILDREN.

44 5. CRIMINAL STREET GANG DATABASE. IN DEVELOPING AND MAINTAINING THE
45 STATEWIDE CRIMINAL STREET GANG REGISTRATION SYSTEM REQUIRED PURSUANT TO
46 ARTICLE SIX-D OF THE CORRECTION LAW, THE DIVISION OF CRIMINAL JUSTICE
47 SERVICES, THROUGH THE OFFICE MAY ESTABLISH A CRIMINAL STREET GANG DATA-
48 BASE. IN DOING SO, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL:

49 (A) CREATE A UNIFORM REPORTING FORMAT FOR THE ENTRY OF PERTINENT
50 INFORMATION REGARDING THE REPORT OF AN ARRESTED CRIMINAL STREET GANG
51 MEMBER OR ORGANIZED CRIMINAL STREET GANG AFFILIATES INTO THE DATABASE.

52 (B) NOTIFY ALL STATE AND LOCAL LAW ENFORCEMENT AGENCIES THAT REPORTS
53 OF ARRESTED CRIMINAL STREET GANG MEMBERS OR ORGANIZED CRIMINAL STREET
54 GANG AFFILIATES SHALL BE ENTERED INTO THE STATEWIDE CRIMINAL STREET GANG
55 DATABASE AS SOON AS THE MINIMUM LEVEL OF DATA, TO BE SPECIFIED BY THE

1 DIVISION OF CRIMINAL JUSTICE SERVICES, IS AVAILABLE TO THE REPORTING
2 AGENCY.

3 (C) DEVELOP AND IMPLEMENT A POLICY FOR NOTIFYING STATE AND LOCAL LAW
4 ENFORCEMENT AGENCIES OF THE EMERGENCE OF NEW ORGANIZED CRIMINAL STREET
5 GANGS OR THE CHANGE OF A NAME OR OTHER IDENTIFYING INFORMATION SIGN OR
6 SYMBOL OF AN EXISTING ORGANIZED CRIMINAL STREET GANG.

7 (D) COMPILE AND RETAIN INFORMATION REGARDING ORGANIZED CRIMINAL STREET
8 GANGS AND THEIR MEMBERS AND AFFILIATES IN A MANNER THAT ALLOWS THE
9 INFORMATION TO BE USED BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES, AND
10 OTHER STATE AGENCIES.

11 (E) COMPILE AND MAINTAIN AN HISTORIC DATA REPOSITORY RELATING TO
12 ORGANIZED CRIMINAL STREET GANGS AND THEIR MEMBERS AND AFFILIATES IN
13 ORDER TO DEVELOP AND IMPROVE TECHNIQUES UTILIZED BY LAW ENFORCEMENT
14 AGENCIES AND PROSECUTORS IN THE INVESTIGATION, APPREHENSION, AND PROSE-
15 CUTION OF MEMBERS AND AFFILIATES OF ORGANIZED CRIMINAL STREET GANGS.

16 (F) CREATE A QUALITY CONTROL PROGRAM REGARDING CONFIRMATION OF ORGAN-
17 IZED CRIMINAL STREET GANG MEMBERSHIP AND ORGANIZED CRIMINAL STREET GANG
18 AFFILIATION DATA, TIMELINESS AND ACCURACY OF INFORMATION ENTERED INTO
19 THE STATEWIDE CRIMINAL STREET GANG DATABASE AND PERFORMANCE AUDITS OF
20 ALL AGENCIES ENTERING INFORMATION.

21 6. PILOT PROGRAM. THE DIVISION OF CRIMINAL JUSTICE SERVICES THROUGH
22 THE OFFICE, AND IN COOPERATION WITH THE DEPARTMENT OF CORRECTIONAL
23 ALTERNATIVES, SHALL ESTABLISH A PILOT PROGRAM UNDER WHICH LEADERS OF
24 CRIMINAL STREET GANGS MAY BE TRANSFERRED TO PRISONS IN OTHER STATES
25 PURSUANT TO SECTION ONE HUNDRED THREE OF THE CORRECTION LAW. THE DIVI-
26 SION OF CRIMINAL JUSTICE SERVICES SHALL REPORT BIENNIALY ON THE SUCCESS
27 OF SUCH PROGRAM, WITH RECOMMENDATIONS FOR CHANGE, TO THE LEGISLATURE AND
28 THE GOVERNOR.

29 S 14. Subdivision (f) of section 10.03 of the mental hygiene law, as
30 added by chapter 405 of the laws of 2010, is amended to read as follows:

31 (f) "Designated felony" means any felony offense defined by any of the
32 following provisions of the penal law: assault in the second degree as
33 defined in section 120.05, assault in the first degree as defined in
34 section 120.10, gang assault in the second degree as defined in section
35 [120.06] 495.07, gang assault in the first degree as defined in section
36 [120.07] 495.08, stalking in the first degree as defined in section
37 120.60, strangulation in the second degree as defined in section 121.12,
38 strangulation in the first degree as defined in section 121.13,
39 manslaughter in the second degree as defined in subdivision one of
40 section 125.15, manslaughter in the first degree as defined in section
41 125.20, murder in the second degree as defined in section 125.25, aggra-
42 vated murder as defined in section 125.26, murder in the first degree as
43 defined in section 125.27, kidnapping in the second degree as defined in
44 section 135.20, kidnapping in the first degree as defined in section
45 135.25, burglary in the third degree as defined in section 140.20,
46 burglary in the second degree as defined in section 140.25, burglary in
47 the first degree as defined in section 140.30, arson in the second
48 degree as defined in section 150.15, arson in the first degree as
49 defined in section 150.20, robbery in the third degree as defined in
50 section 160.05, robbery in the second degree as defined in section
51 160.10, robbery in the first degree as defined in section 160.15,
52 promoting prostitution in the second degree as defined in section
53 230.30, promoting prostitution in the first degree as defined in section
54 230.32, compelling prostitution as defined in section 230.33, dissem-
55 inating indecent material to minors in the first degree as defined in
56 section 235.22, use of a child in a sexual performance as defined in

1 section 263.05, promoting an obscene sexual performance by a child as
2 defined in section 263.10, promoting a sexual performance by a child as
3 defined in section 263.15, or any felony attempt or conspiracy to commit
4 any of the foregoing offenses.

5 S 15. This act shall take effect on the first of January next succeed-
6 ing the date on which it shall have become a law.