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

1198--A

2015-2016 Regular Sessions

I N S E N A T E

January 9, 2015

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to the development and implementation of an interface between the department of motor vehicles and the state police for the purpose of comparing information submitted by individuals engaging in in-person, mail or internet transactions with the department of motor vehicles to open criminal warrants

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

Section 1. The vehicle and traffic law is amended by adding a new section 399-p to read as follows:

S 399-P. POLICE INFORMATION INTERFACE. 1. THE COMMISSIONER SHALL ESTABLISH A PROGRAM TO ALLOW THE DEPARTMENT TO INTERFACE WITH THE NEW YORK STATE POLICE INFORMATION NETWORK (NYSPIN), SUCH THAT INFORMATION SUBMITTED BY INDIVIDUALS ENGAGING IN IN-PERSON, MAIL OR INTERNET TRANSACTIONS WITH THE DEPARTMENT SHALL BE COMPARED TO OPEN CRIMINAL WARRANTS. THE COMMISSIONER, IN CONJUNCTION WITH THE DIVISION OF STATE POLICE, THE DIVISION OF CRIMINAL JUSTICE SERVICES, AND THE OFFICE OF INFORMATION TECHNOLOGY SERVICES SHALL DEVELOP AND IMPLEMENT SUCH INTERFACE, PURSUANT TO THE FOLLOWING STANDARDS.

2. THE INTERFACE SHALL AUTOMATICALLY CONDUCT A REAL-TIME COMPARISON OF TRANSACTIONAL INFORMATION ENTERED INTO DEPARTMENT DATABASES AND CURRENT WARRANT INFORMATION CONTAINED IN NYSPIN. WHEN SUCH COMPARISON YIELDS A CORRELATION SUFFICIENT TO BE CONSIDERED A MATCH, AS DETERMINED BY THE DIVISION OF STATE POLICE, A COMPUTERIZED SYSTEM SHALL AUTOMATICALLY TRANSMIT ALL DEPARTMENT INFORMATION PERTINENT TO THE WARRANT TO STATE OR LOCAL LAW ENFORCEMENT. THE COMPUTERIZED SYSTEM SHALL NOT, AT ANY TIME,

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

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ALERT THE DEPARTMENT OR ITS EMPLOYEES OF THE RESULTS OF THE INTERFACE PROCESS.

3. DEPARTMENT INFORMATION THAT SHALL BE TRANSMITTED TO LAW ENFORCEMENT AGENCIES MAY INCLUDE, BUT IS NOT LIMITED TO: PHOTOGRAPHS AND PHYSICAL CHARACTERISTICS OF AN INDIVIDUAL, DESCRIPTIONS OF VEHICLES REGISTERED TO AND/OR OWNED BY AN INDIVIDUAL, THE LAST KNOWN ADDRESS AND CONTACT INFORMATION OF AN INDIVIDUAL, THE PRESENT LOCATION OF AN INDIVIDUAL, AND THE DRIVER IDENTIFICATION AND SOCIAL SECURITY NUMBERS OF AN INDIVIDUAL. SUCH INFORMATION SHALL ONLY BE TRANSMITTED TO A LAW ENFORCEMENT AGENCY FOR USE IN CARRYING OUT ITS FUNCTIONS, PURSUANT TO THE FEDERAL DRIVER'S PRIVACY PROTECTION ACT (18 U.S.C. S 2721 ET. SEQ.).

4. OPERATION AND MAINTENANCE OF THE INTERFACE SHALL BE BY A JOINT EFFORT OF THE DEPARTMENT AND THE DIVISION OF STATE POLICE.

5. THE SUPERINTENDENT OF THE STATE POLICE SHALL DEVELOP PROTOCOLS AND IMPLEMENT TRAINING TO ENSURE THE SAFETY OF ALL DEPARTMENT EMPLOYEES AND CUSTOMERS. SUCH PROTOCOLS AND TRAINING SHALL INCLUDE, BUT ARE NOT LIMITED TO, PROCEDURES FOR THE EXECUTION OF A WARRANT BY LAW ENFORCEMENT AGENTS WHEN A MATCH RESULTS FROM INFORMATION YIELDED BY AN IN-PERSON TRANSACTION.

S 2. Within twelve months of the effective date of this act, the commissioner of the department of motor vehicles shall implement the interface described in section one of this act and shall promulgate all rules and regulations he or she deems necessary to implement the utilization of the interface.

S 3. This act shall take effect immediately, provided, however, that the amendments to article 12-C of title 3 of the vehicle and traffic law made by section one of this act shall not affect the repeal of such article and shall be deemed repealed therewith.