

STATE OF NEW YORK

772--A

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. KAMINSKY, ADDABBO, GAUGHRAN, KAPLAN, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to establishing a blue alert system to aid in the apprehension of any individuals suspected of killing or seriously wounding any law enforcement officer

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The executive law is amended by adding a new section 837-w
2 to read as follows:

3 § 837-w. Blue alert system. 1. There is established within the divi-
4 sion a blue alert system to aid in the identification, location and
5 apprehension of any individual or individuals suspected of killing or
6 seriously wounding any police officer.

7 2. For the purposes of this section:

8 (a) The term "blue alert" shall mean information sent through the blue
9 alert system related to:

10 (i) the serious injury or death of a law enforcement officer in the
11 line of duty;

12 (ii) an officer who is missing in connection with the officer's offi-
13 cial duties; or

14 (iii) an imminent and credible threat that an individual intends to
15 cause the serious injury or death of a law enforcement officer.

16 (b) The term "law enforcement agency having jurisdiction" shall mean
17 the chief law enforcement officer of the village, town, city, county, or
18 the division of state police that is investigating an offense necessi-
19 tating the use of a blue alert.

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

LBD01129-05-2

1 (c) The term "law enforcement officer" shall mean a state or local
2 police officer.

3 3. Upon the request of a law enforcement agency having jurisdiction,
4 the division shall issue a blue alert when public dissemination of
5 available information may help avert further harm or accelerate appre-
6 hension of the suspect. Such blue alert may be disseminated on a
7 regional or statewide basis. Nothing in this section shall require a law
8 enforcement agency having jurisdiction to request a blue alert in any
9 circumstance described in paragraph (a) of subdivision two of this
10 section or to participate in the dissemination of information under the
11 blue alert system.

12 4. The division shall coordinate with the department of transporta-
13 tion, the division of state police, and police agencies, and may also
14 coordinate with public commercial television and radio broadcaster
15 organizations, to effectuate notifications under the blue alert system.
16 Information disseminated pursuant to a blue alert may include, but shall
17 not be limited to, a detailed description of the suspect's vehicle or
18 license plate number and the name of the law enforcement agency that
19 requested the alert.

20 5. The division may coordinate with additional state agencies capable
21 of providing urgent and timely information to the public, together with
22 television and radio broadcasters and other private entities, where
23 appropriate, and if authorized and under conditions permitted by the
24 federal government, that consent to participate in the dissemination of
25 urgent public information.

26 6. The division shall develop criteria and procedures for activation
27 of the blue alert system, and shall regularly review the function of the
28 blue alert system and revise its criteria and procedures to provide for
29 efficient and effective public notifications.

30 7. The provisions of this section shall only apply in the event that
31 the division has been designated to use the federally authorized Emer-
32 gency Alert System for the issuance of blue alerts.

33 8. The division is hereby authorized to promulgate rules and regu-
34 lations for the implementation of the blue alert system pursuant to this
35 section.

36 § 2. Severability. If any clause, sentence, paragraph, section or part
37 of this act shall be adjudged by any court of competent jurisdiction to
38 be invalid, such judgment shall not affect, impair or invalidate the
39 remainder thereof, but shall be confined in its operation to the clause,
40 sentence, paragraph, section or part thereof directly involved in the
41 controversy in which such judgment shall have been rendered.

42 § 3. This act shall take effect on the ninetieth day after it shall
43 have become a law.