

1141

2009-2010 Regular Sessions

I N   S E N A T E

January 26, 2009

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Introduced by Sens. PERKINS, DUANE, C. JOHNSON, PARKER, SAVINO, THOMPSON  
-- read twice and ordered printed, and when printed to be committed to  
the Committee on Finance

AN ACT to amend the executive law, in relation to the creation of the  
council on bias-related violence

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

1     Section 1. The executive law is amended by adding a new article 19-N  
2     to read as follows:

3                             ARTICLE 19-N

4                             GOVERNOR'S ADVISORY COUNCIL

5                             ON BIAS-RELATED VIOLENCE

6     SECTION 549-X. GOVERNOR'S ADVISORY COUNCIL ON BIAS-RELATED VIOLENCE.

7             549-Y. GENERAL POWERS AND DUTIES OF THE COUNCIL.

8             549-Z. ASSISTANCE OF OTHER AGENCIES.

9     S 549-X. GOVERNOR'S ADVISORY COUNCIL ON BIAS-RELATED VIOLENCE.     1.

10  THERE IS HEREBY ESTABLISHED WITHIN THE EXECUTIVE DEPARTMENT A GOVERNOR'S  
11  ADVISORY COUNCIL ON BIAS-RELATED VIOLENCE. THE COUNCIL SHALL CONSIST OF  
12  TWENTY MEMBERS, BROADLY REPRESENTATIVE OF THE VARIOUS GROUPS IN SOCIETY  
13  WHICH HAVE HISTORICALLY BEEN THE TARGETS OF BIAS-RELATED VIOLENCE AND OF  
14  CLERGY, TO BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF  
15  THE SENATE, FROM AMONG PRIVATE CITIZENS. IN MAKING SUCH APPOINTMENTS,  
16  DUE CONSIDERATION SHALL BE GIVEN TO THE RECOMMENDATIONS MADE BY REPRE-  
17  SENTATIVE CIVIC, EDUCATIONAL, LEGAL AND ADVOCACY GROUPS AND ASSOCIATIONS  
18  CONCERNED WITH OR OTHERWISE ENGAGED IN THE REPRESENTATION OF INTERESTS  
19  OF PERSONS WHO HAVE BEEN THE TARGETS OF BIAS-RELATED VIOLENCE. IN ADDI-  
20  TION, THE ATTORNEY GENERAL, THE COMMISSIONER OF THE DIVISION OF CRIMINAL  
21  JUSTICE SERVICES AND THE COMMISSIONER OF THE DIVISION OF HUMAN RIGHTS  
22  SHALL BE EX-OFFICIO MEMBERS OF THE COUNCIL.

23     2. THE TERM OF OFFICE OF EACH MEMBER OF THE COUNCIL SHALL BE FOR TWO  
24  YEARS. VACANCIES IN THE COUNCIL OCCURRING OTHERWISE THAN BY EXPIRATION

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

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1 OF TERM SHALL BE FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS  
2 ORIGINAL APPOINTMENTS. THE GOVERNOR SHALL DESIGNATE A CHAIRPERSON AND A  
3 VICE-CHAIRPERSON TO SERVE AS SUCH AT THE PLEASURE OF THE GOVERNOR.

4 3. THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR  
5 SERVICES, BUT SHALL BE REIMBURSED FOR ALL EXPENSES ACTUALLY AND NECES-  
6 SARILY INCURRED BY THEM IN THE PERFORMANCE OF THEIR DUTIES HEREUNDER  
7 WITHIN THE AMOUNT MADE AVAILABLE BY APPROPRIATION THEREFOR.

8 4. THE CHAIRPERSON MAY APPOINT AN EXECUTIVE DIRECTOR AND SUCH EXPERTS  
9 AND EMPLOYEES AS HE OR SHE MAY DEEM NECESSARY, PRESCRIBE THEIR DUTIES,  
10 FIX THEIR COMPENSATION AND PROVIDE FOR REIMBURSEMENT OF THEIR EXPENSES  
11 WITHIN AMOUNTS AVAILABLE THEREFOR BY APPROPRIATION.

12 S 549-Y. GENERAL POWERS AND DUTIES OF THE COUNCIL. THE COUNCIL SHALL  
13 HAVE THE FOLLOWING POWERS AND DUTIES:

14 1. TO RECEIVE INFORMATION WITH RESPECT TO, AND TO STUDY AND ANALYZE,  
15 INCIDENTS OF VIOLENCE THAT APPEAR TO BE BIAS-RELATED, AND TO EXAMINE THE  
16 ELEMENTS OF SUCH INCIDENTS TO IDENTIFY THOSE FACTORS THAT ARE CONSIST-  
17 ENTLY ASSOCIATED WITH SUCH VIOLENCE;

18 2. TO IDENTIFY AND ANALYZE THE RESPONSES TO INCIDENTS OF BIAS-RELATED  
19 VIOLENCE MADE BY GOVERNMENTAL OFFICIALS, INCLUDING LAW ENFORCEMENT OFFI-  
20 CIALS AND PROSECUTORS, AND TO DETERMINE WHETHER SUCH RESPONSES ARE BASED  
21 ON APPROPRIATE POLICIES AND PROCEDURES;

22 3. TO CONDUCT PUBLIC HEARINGS AS MAY BE NECESSARY TO CARRY OUT ITS  
23 FUNCTIONS HEREUNDER; AND

24 4. TO MAKE RECOMMENDATIONS WITH RESPECT TO THE FOLLOWING:

25 A. EDUCATIONAL PROGRAMS TO TEACH CHILDREN THE VALUE OF TOLERANCE FOR  
26 OTHERS;

27 B. TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICIALS AND PROSECUTORS TO  
28 SENSITIZE THEM TO THE SPECIAL NATURE OF BIAS-RELATED CRIME AND TO  
29 ENCOURAGE THEM TO RECOGNIZE ITS EXISTENCE AND TO DEVELOP APPROPRIATE  
30 RESPONSES;

31 C. THE APPROPRIATENESS AND EFFECTIVENESS OF EXISTING CIVIL AND CRIMI-  
32 NAL LAWS IN REDRESSING BIAS-RELATED VIOLENCE AND ANY CHANGES THAT SHOULD  
33 BE MADE IN SUCH LAWS; AND

34 D. SUCH OTHER MATTERS AS MAY BE DEEMED APPROPRIATE BY THE COUNCIL  
35 AFTER CONSULTATION WITH INVOLVED PARTIES.

36 S 549-Z. ASSISTANCE OF OTHER AGENCIES. TO EFFECTUATE THE PURPOSES OF  
37 THIS ARTICLE, THE GOVERNOR'S ADVISORY COUNCIL ON BIAS-RELATED VIOLENCE  
38 MAY REQUEST FROM ANY DEPARTMENT, BOARD, BUREAU, COMMISSION OR OTHER  
39 AGENCY OF THE STATE, AND THE SAME ARE AUTHORIZED TO PROVIDE, SUCH  
40 ASSISTANCE, SERVICES AND DATA AS WILL ENABLE THE COUNCIL PROPERLY TO  
41 CARRY OUT ITS POWERS AND DUTIES HEREUNDER.

42 S 2. This act shall take effect immediately.