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

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I N S E N A T E

May 24, 2010

Introduced by Sens. GOLDEN, DeFRANCISCO, C. JOHNSON, O. JOHNSON, LARKIN, PADAVAN, VOLKER -- 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:

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

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

The legislature therefore finds and declares that it is in every sense in the public interest to establish a comprehensive approach to the protection of public order and individual safety against criminal street gangs and gang-related violence, by severely criminalizing such activities, by creating anti-crime programs that focus on patterns of crimi-

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

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nal 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. Sections 120.06 and 120.07 of the penal law are REPEALED.

S 3. The penal law is amended by adding a new title Y-2 to read as 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 FOLLOWING 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 THIRTY-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 THIRTY-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 LAUNDERING).

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 ACTIVITY.

PARTICIPATION IN A CRIMINAL STREET GANG IS A CLASS A MISDEMEANOR.

S 495.03 PARTICIPATION IN CRIMINAL STREET GANG ACTIVITY.

A PERSON IS GUILTY OF PARTICIPATION IN CRIMINAL STREET GANG ACTIVITY WHEN HE OR SHE WILLFULLY AND KNOWINGLY PROMOTES, FURTHERS, ASSISTS IN, CONDUCTS, OR PARTICIPATES IN THE AFFAIRS OF A CRIMINAL STREET GANG BY PARTICIPATING IN A PATTERN OF CRIMINAL STREET GANG ACTIVITY, OR KNOWINGLY INVESTS PROCEEDS DERIVED FROM CRIMINAL STREET GANG ACTIVITY, OR PROCEEDS DERIVED FROM THE INVESTMENT OR USE OF THOSE PROCEEDS, IN AN ENTERPRISE. A PERSON MAY BE A PARTICIPANT IN A CRIMINAL STREET GANG IRRESPECTIVE OF THE AMOUNT OF TIME HE OR SHE DEVOTES TO THE CRIMINAL STREET GANG, AS LONG AS SUCH PERSON SHALL HAVE PARTICIPATED IN COMMITTING ACTS CONSTITUTING CRIMINAL STREET GANG ACTIVITY WITH ONE OR MORE MEMBERS OF A CRIMINAL STREET GANG.

PARTICIPATION IN CRIMINAL STREET GANG ACTIVITY IS A CLASS E FELONY.

S 495.04 SOLICITATION FOR PARTICIPATION IN A CRIMINAL STREET GANG.

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

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

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

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

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

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

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

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

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

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

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

S 495.07 GANG ASSAULT IN THE SECOND DEGREE.

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

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

S 495.08 GANG ASSAULT IN THE FIRST DEGREE.

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

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

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

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

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

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

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

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

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

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

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

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

S 495.10 PREEMPTION.

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

S 495.11 REGISTRATION REQUIREMENT.

1. IN ADDITION TO ANY OTHER PENALTY IMPOSED UNDER THIS ARTICLE OR ANY OTHER LAW, A PERSON CONVICTED OF THE CRIME OF PARTICIPATION IN CRIMINAL STREET GANG ACTIVITY WHO IS RELEASED ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE, OR WHO IS TO BE DISCHARGED, PAROLED, RELEASED TO POST-RELEASE SUPERVISION OR RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY WHERE HE OR SHE WAS CONFINED, SHALL BE REQUIRED TO PARTICIPATE IN THE CRIMINAL STREET GANG OFFENDER REGISTRATION PROGRAM ESTABLISHED PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW FOR A PERIOD OF FIVE YEARS; AND

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

S 495.12 SENTENCING.

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

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

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

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

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

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

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

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

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

NOTWITHSTANDING ANY OTHER LAW, THE COURT MAY STRIKE THE ADDITIONAL PUNISHMENT FOR THE ENHANCEMENTS PROVIDED IN SUBDIVISIONS ONE THROUGH FOUR OF THIS SECTION OR REFUSE TO IMPOSE THE MINIMUM JAIL SENTENCE FOR MISDEMEANORS IN AN UNUSUAL CASE WHERE THE INTERESTS OF JUSTICE WOULD BEST BE SERVED, IF THE COURT SPECIFIES ON THE RECORD AND ENTERS INTO THE MINUTES THE CIRCUMSTANCES INDICATING THE MANNER IN WHICH THE INTERESTS OF JUSTICE WOULD BEST BE SERVED BY SUCH DISPOSITION.

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

S 4. The opening paragraph of paragraph (h) of subdivision 2 of section 1349 of the civil practice law and rules, as added by chapter 655 of the laws of 1990, is amended to read as follows:

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

S 5. Subdivision 2 of section 1349 of the civil practice law and rules is amended by adding a new paragraph (i) to read as follows:

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

S 6. The state finance law is amended by adding a new section 97-jjjj to read as follows:

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

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

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

S 7. 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 OF STATE POLICE; AND (IV) IF SUCH INSTITUTION OPERATES OR EMPLOYS A CAMPUS LAW ENFORCEMENT OR SECURITY AGENCY, THE CHIEF OF SUCH AGENCY; AND

(C) IN THE CASE OF A CRIMINAL STREET GANG OFFENDER WHO EXPECTS TO RESIDE WITHIN A STATE PARK OR ON OTHER LAND UNDER THE JURISDICTION OF THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE STATE REGIONAL PARK POLICE.

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

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

6. "PROBATION" MEANS A SENTENCE OF PROBATION IMPOSED PURSUANT TO ARTICLE SIXTY-FIVE OF THE PENAL LAW AND SHALL INCLUDE A SENTENCE OF IMPRISONMENT IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION.

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

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

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

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

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

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

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

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

(B) NO OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY, WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY FOR DAMAGES FOR ANY DECISION OR ACTION MADE IN THE ORDINARY COURSE OF BUSINESS OF THAT OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY PURSUANT TO THIS SUBDIVISION, PROVIDED THAT SUCH OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY ACTED REASONABLY AND IN GOOD FAITH WITH RESPECT TO SUCH REGISTRY INFORMATION.

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

3. THE DIVISION SHALL DEVELOP A STANDARDIZED REGISTRATION FORM TO BE 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, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE RESIDES IN OR WILL RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH INSTITUTION. IF SUCH

CRIMINAL STREET GANG OFFENDER CHANGES HIS OR HER PLACE OF RESIDENCE WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT BY THE CRIMINAL STREET GANG OFFENDER'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION. IF SUCH CRIMINAL STREET GANG OFFENDER CHANGES THE STATUS OF HIS OR HER ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF STATUS SHALL BE SENT BY THE CRIMINAL STREET GANG OFFENDER'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION.

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

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

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

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

2. A CRIMINAL STREET GANG OFFENDER RELEASED ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE, BE INFORMED OF HIS OR HER DUTY TO REGISTER AS REQUIRED BY THIS ARTICLE BY THE COURT IN WHICH HE OR SHE WAS CONVICTED. AT THE TIME SENTENCE IS IMPOSED, SUCH CRIMINAL STREET GANG OFFENDER SHALL REGISTER WITH THE DIVISION ON A FORM PREPARED BY THE DIVISION. THE COURT SHALL REQUIRE THE CRIMINAL STREET GANG OFFENDER TO READ AND SIGN SUCH FORM AND TO COMPLETE THE REGISTRATION PORTION OF SUCH FORM, WHICH SHALL INCLUDE THE ADDRESS WHERE THE CRIMINAL STREET GANG

OFFENDER EXPECTS TO RESIDE UPON HIS OR HER RELEASE, AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION HE OR SHE EXPECTS TO BE EMPLOYED BY OR ENROLLED IN, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE EXPECTS TO RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH AN INSTITUTION, AND SHALL REPORT SUCH INFORMATION TO THE DIVISION. THE COURT SHALL GIVE ONE COPY OF THE FORM TO THE CRIMINAL STREET GANG OFFENDER AND SHALL SEND TWO COPIES TO THE DIVISION WHICH SHALL FORWARD THE INFORMATION TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION.

S 169-F. DISCHARGE OF CRIMINAL STREET GANG OFFENDER FROM CORRECTIONAL FACILITY; DUTIES OF OFFICIAL IN CHARGE. 1. A CRIMINAL STREET GANG OFFENDER, TO BE DISCHARGED, PAROLED, RELEASED TO POST-RELEASE SUPERVISION OR RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY WHERE HE OR SHE WAS CONFINED SHALL AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE OR RELEASE, BE INFORMED OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE BY THE FACILITY IN WHICH HE OR SHE WAS CONFINED OR COMMITTED. THE FACILITY SHALL REQUIRE THE CRIMINAL STREET GANG OFFENDER TO READ AND SIGN SUCH FORM AS MAY BE REQUIRED BY THE DIVISION STATING THE DUTY TO REGISTER AND THE PROCEDURE FOR REGISTRATION HAS BEEN EXPLAINED TO HIM OR HER AND TO COMPLETE THE REGISTRATION PORTION OF SUCH FORM. THE FACILITY SHALL OBTAIN ON SUCH FORM THE ADDRESS WHERE THE CRIMINAL STREET GANG OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PAROLE OR RELEASE AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION HE OR SHE EXPECTS TO BE EMPLOYED BY OR ENROLLED IN, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE EXPECTS TO RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH AN INSTITUTION, AND SHALL REPORT SUCH INFORMATION TO THE DIVISION. THE FACILITY SHALL GIVE ONE COPY OF THE FORM TO THE CRIMINAL STREET GANG OFFENDER, RETAIN ONE COPY AND SHALL SEND ONE COPY TO THE DIVISION WHICH SHALL PROVIDE THE INFORMATION TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION. THE FACILITY SHALL GIVE THE CRIMINAL STREET GANG OFFENDER A FORM PREPARED BY THE DIVISION, TO REGISTER WITH THE DIVISION AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO RELEASE AND SUCH FORM SHALL BE COMPLETED, SIGNED BY THE CRIMINAL STREET GANG OFFENDER AND SENT TO THE DIVISION BY THE FACILITY AT LEAST TEN DAYS PRIOR TO THE CRIMINAL STREET GANG OFFENDER'S RELEASE OR DISCHARGE.

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

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

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

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

(B) THE CRIMINAL STREET GANG OFFENDER SHALL PERSONALLY APPEAR AT THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WITHIN TWENTY DAYS OF THE FIRST ANNIVERSARY OF THE CRIMINAL STREET GANG OFFENDER'S INITIAL REGISTRATION AND EVERY YEAR THEREAFTER DURING THE PERIOD OF REGISTRATION FOR THE PURPOSE OF PROVIDING A CURRENT PHOTOGRAPH OF SUCH OFFENDER. THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION SHALL PHOTOGRAPH THE CRIMINAL STREET GANG OFFENDER AND SHALL PROMPTLY FORWARD A COPY OF SUCH PHOTOGRAPH TO THE DIVISION. FOR PURPOSES OF THIS PARAGRAPH, IF SUCH CRIMINAL STREET GANG OFFENDER IS CONFINED IN A STATE OR LOCAL CORRECTIONAL FACILITY, THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION SHALL BE THE WARDEN, SUPERINTENDENT, SHERIFF OR OTHER PERSON IN CHARGE OF THE STATE OR LOCAL CORRECTIONAL FACILITY.

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

(D) THE FOREGOING PROVISIONS OF THIS SECTION TO THE CONTRARY NOTWITHSTANDING, THE DUTY TO PERSONALLY APPEAR FOR AN UPDATED PHOTOGRAPH AS REQUIRED BY THIS SECTION SHALL BE TEMPORARILY SUSPENDED DURING ANY PERIOD IN WHICH THE CRIMINAL STREET GANG OFFENDER IS CONFINED IN ANY HOSPITAL OR INSTITUTION, AND SUCH CRIMINAL STREET GANG OFFENDER SHALL PERSONALLY APPEAR FOR SUCH UPDATED PHOTOGRAPH NO LATER THAN NINETY DAYS AFTER RELEASE FROM SUCH HOSPITAL OR INSTITUTION, OR AN ALTERNATE LATER DATE SCHEDULED BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION.

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

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

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

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

S 169-I. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF ADDRESS. UPON RECEIPT OF A CHANGE OF ADDRESS BY A CRIMINAL STREET GANG OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE DIVISION SHALL NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW PLACE OF RESIDENCE AND THE LOCAL LAW ENFORCEMENT AGENCY WHERE THE CRIMINAL STREET GANG OFFENDER LAST RESIDED OF THE NEW PLACE OF RESIDENCE. THE

DIVISION SHALL, IF THE CRIMINAL STREET GANG OFFENDER CHANGES RESIDENCE TO ANOTHER STATE, NOTIFY THE APPROPRIATE AGENCY WITHIN THAT STATE OF THE NEW PLACE OF RESIDENCE.

S 169-J. REVIEW. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY STATE OR LOCAL CORRECTIONAL FACILITY, HOSPITAL OR INSTITUTION, DISTRICT ATTORNEY, LAW ENFORCEMENT AGENCY, PROBATION DEPARTMENT, DIVISION OF PAROLE, COURT OR CHILD PROTECTIVE AGENCY SHALL FORWARD RELEVANT INFORMATION PERTAINING TO A CRIMINAL STREET GANG OFFENDER TO BE DISCHARGED, PAROLED, RELEASED TO POST-RELEASE SUPERVISION OR RELEASED TO THE DIVISION FOR REVIEW NO LATER THAN ONE HUNDRED TWENTY DAYS PRIOR TO THE RELEASE OR DISCHARGE AND THE DIVISION SHALL MAKE RECOMMENDATIONS AS PROVIDED IN SECTION ONE HUNDRED SIXTY-EIGHT-L OF THIS ARTICLE WITHIN SIXTY DAYS OF RECEIPT OF THE INFORMATION. INFORMATION MAY INCLUDE BUT MAY NOT BE LIMITED TO ALL OR A PORTION OF THE ARREST FILE, PROSECUTOR'S FILE, PROBATION OR PAROLE FILE, CHILD PROTECTIVE FILE, COURT FILE, COMMITMENT FILE, MEDICAL FILE AND TREATMENT FILE PERTAINING TO SUCH PERSON. SUCH PERSON SHALL BE PERMITTED TO SUBMIT TO THE BOARD ANY INFORMATION RELEVANT TO THE REVIEW. UPON APPLICATION OF THE CRIMINAL STREET GANG OFFENDER OR THE DISTRICT ATTORNEY, THE COURT SHALL SEAL ANY PORTION OF THE BOARD'S FILE PERTAINING TO THE CRIMINAL STREET GANG OFFENDER WHICH CONTAINS MATERIAL THAT IS CONFIDENTIAL UNDER ANY STATE OR FEDERAL LAW; PROVIDED, HOWEVER, THAT IN ANY SUBSEQUENT PROCEEDINGS IN WHICH THE CRIMINAL STREET GANG OFFENDER WHO IS THE SUBJECT OF THE SEALED RECORD IS A PARTY AND WHICH REQUIRES THE BOARD TO PROVIDE A RECOMMENDATION TO THE COURT PURSUANT TO THIS ARTICLE, SUCH SEALED RECORD SHALL BE AVAILABLE TO THE CRIMINAL STREET GANG OFFENDER, THE DISTRICT ATTORNEY, THE COURT AND THE ATTORNEY GENERAL WHERE THE ATTORNEY GENERAL IS A PARTY, OR REPRESENTS A PARTY, IN THE PROCEEDING.

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

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

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

S 169-M. PENALTY. ANY CRIMINAL STREET GANG OFFENDER REQUIRED TO REGISTER OR TO VERIFY PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHO FAILS TO REGISTER OR VERIFY IN THE MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR IN THIS ARTICLE SHALL BE GUILTY OF A CLASS E FELONY UPON CONVICTION FOR THE FIRST OFFENSE. UPON CONVICTION FOR A SECOND OR SUBSEQUENT OFFENSE SUCH CRIMINAL STREET GANG OFFENDER SHALL BE GUILTY OF A CLASS D 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 8. Section 109 of the correction law is renumbered section 110 and a new section 109 is added to read as follows:

S 109. THE DEPARTMENT SHALL ESTABLISH A PROGRAM, AFTER CONSULTATION WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES AND WITH CHIEFS AND COMMISSIONERS 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 9. 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.

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

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

S 1212. DRESS CODE CONCERNING GANG-RELATED APPAREL. ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING, THE GOVERNING BOARD OF ANY SCHOOL DISTRICT MAY ADOPT OR RESCIND A REASONABLE DRESS CODE POLICY THAT REQUIRES PUPILS TO WEAR A SCHOOLWIDE UNIFORM OR PROHIBITS PUPILS FROM WEARING "GANG-RELATED APPAREL" IF THE GOVERNING BOARD OF THE SCHOOL DISTRICT APPROVES A PLAN THAT MAY BE INITIATED BY AN INDIVIDUAL SCHOOL'S PRINCIPAL, STAFF, AND PARENTS AND DETERMINES THAT THE POLICY IS NECESSARY FOR THE HEALTH AND SAFETY OF THE SCHOOL ENVIRONMENT. INDIVIDUAL SCHOOLS MAY INCLUDE THE REASONABLE DRESS CODE POLICY. THE GOVERNING BOARD SHALL PROVIDE A METHOD WHEREBY PARENTS MAY CHOOSE NOT TO HAVE THEIR CHILDREN COMPLY WITH AN ADOPTED SCHOOL UNIFORM POLICY. NO PUPIL SHALL BE PENALIZED ACADEMICALLY OR OTHERWISE DISCRIMINATED AGAINST NOR DENIED ATTENDANCE TO SCHOOL IF THE PUPIL'S PARENTS CHOSE NOT TO HAVE THE PUPIL COMPLY WITH THE SCHOOL UNIFORM POLICY. THE GOVERNING BOARD SHALL CONTINUE TO HAVE RESPONSIBILITY FOR THE APPROPRIATE EDUCATION OF SUCH PUPILS. THE COMMISSIONER SHALL ADOPT RULES AND REGULATIONS TO CARRY OUT THE INTENT AND PURPOSES OF THIS SECTION.

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

2. GRANTS DISBURSED PURSUANT TO THIS SECTION MAY ENHANCE BUT SHALL NOT SUPPLANT LOCAL, STATE, OR FEDERAL FUNDS THAT WOULD OTHERWISE BE AVAILABLE FOR THE PREVENTION OR INTERVENTION OF YOUTH INVOLVEMENT IN GANGS, CRIME, OR VIOLENCE. GRANTS SHALL BE AWARDED PURSUANT TO A REQUEST FOR PROPOSALS THAT INFORMS APPLICANTS OF THE PURPOSES AND AVAILABILITY OF FUNDS TO BE AWARDED AND SOLICITS PROPOSALS TO PROVIDE SERVICES CONSISTENT WITH THIS ARTICLE. AGENCIES RECEIVING FUNDS PURSUANT TO THIS SECTION SHALL UTILIZE THE FUNDS TO PROVIDE SERVICES AND ACTIVITIES DESIGNED TO PREVENT OR DETER AT-RISK YOUTH FROM PARTICIPATING IN GANGS, CRIMINAL ACTIVITY, OR VIOLENT BEHAVIOR. SUCH FUNDS MAY NOT BE USED FOR SERVICES OR ACTIVITIES RELATED TO SUPPRESSION, LAW ENFORCEMENT, INCARCERATION, OR

OTHER PURPOSES NOT RELATED TO THE PREVENTION AND DETERRENCE OF GANGS, CRIME, AND VIOLENCE. NOTHING IN THIS SUBDIVISION SHALL PREVENT FUNDS FROM BEING USED FOR VIOLENCE PREVENTION AND GANG CRIME DETERRENCE SERVICES PROVIDED BY NONPROFIT AGENCIES TO YOUTHS INCARCERATED IN JUVENILE DETENTION FACILITIES. SERVICES AND ACTIVITIES PROVIDED WITH FUNDS UNDER THIS SECTION SHALL BE USED FOR AT-RISK YOUTH WHO ARE DEFINED AS PERSONS FROM AGE FIVE TO TWENTY YEARS OF AGE AND WHO ARE CURRENT OR FORMER GANG MEMBERS, OR WHO HAVE ONE OR MORE FAMILY MEMBERS LIVING AT HOME WHO ARE CURRENT OR FORMER MEMBERS OF A GANG.

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

S 10. The executive law is amended by adding a new section 837-s to read as follows:

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

2. DUTIES AND RESPONSIBILITIES. THE OFFICE SHALL BE RESPONSIBLE FOR IDENTIFYING AND EVALUATING STATE, LOCAL, AND FEDERAL GANG AND YOUTH VIOLENCE SUPPRESSION, INTERVENTION, AND PREVENTION PROGRAMS AND STRATEGIES, ALONG WITH FUNDING FOR THOSE EFFORTS. THE DIRECTOR SHALL BE RESPONSIBLE FOR MONITORING, ASSESSING, AND COORDINATING THE STATE'S PROGRAMS, STRATEGIES, AND FUNDING THAT ADDRESS GANG AND YOUTH VIOLENCE IN A MANNER THAT MAXIMIZES THE EFFECTIVENESS AND COORDINATION OF THOSE PROGRAMS, STRATEGIES, AND RESOURCES. THE DIRECTOR SHALL COMMUNICATE WITH LOCAL AGENCIES AND PROGRAMS IN AN EFFORT TO PROMOTE THE BEST PRACTICES FOR ADDRESSING GANG AND YOUTH VIOLENCE THROUGH SUPPRESSION, INTERVENTION, AND PREVENTION. OFFICE ACTIVITIES AS TO SUCH MATTERS SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) DEVELOPING RECOMMENDATIONS TO DEFINE ITS MISSION, ROLE, AND RESPONSIBILITIES AS A STATEWIDE ENTITY DEDICATED TO REDUCING VIOLENCE AND THE PROLIFERATION OF GANGS AND GANG VIOLENCE PURSUANT TO THIS SECTION. IN DEVELOPING RECOMMENDATIONS, THE OFFICE SHALL COLLABORATE WITH STATE AND LOCAL STAKEHOLDERS, INCLUDING, BUT NOT LIMITED TO, NOT-FOR-PROFIT ORGANIZATIONS SERVING AT-RISK POPULATIONS AND NEIGHBORHOODS, LAW ENFORCEMENT, EDUCATORS, THE COURTS, POLICY EXPERTS AND SCHOLARS WITH EXPERTISE IN THE AREA OF CRIMINAL STREET GANGS, AND LOCAL POLICYMAKERS.

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

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

(II) THE DEVELOPMENT OF RELIABLE AND ACCURATE SOURCES OF DATA TO MEASURE THE SCALE AND CHARACTERISTICS OF CRIMINAL STREET GANG PROBLEMS.

(III) THE DEVELOPMENT OF A CLEARINGHOUSE FOR RESEARCH ON CRIMINAL STREET GANGS, AT-RISK YOUTH, AND PREVENTION AND INTERVENTION PROGRAMS IN ORDER TO IDENTIFY BEST PRACTICES AND EVIDENCE-BASED PROGRAMMING, AS WELL

AS UNSUCCESSFUL PRACTICES, IN ORDER TO PROMOTE EFFECTIVE STRATEGIES FOR REDUCING CRIMINAL STREET GANG INVOLVEMENT AND CRIMINAL STREET GANG VIOLENCE.

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

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

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

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

(VIII) MEANS OF PROVIDING OR PROMOTING TRAINING AND TECHNICAL ASSISTANCE TO HELP BUILD THE CAPACITY OF ORGANIZATIONS, COMMUNITIES, AND LOCAL GOVERNMENT TO DEVELOP, IMPLEMENT, AND EVALUATE CRIMINAL STREET GANG VIOLENCE PREVENTION PROGRAMS.

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

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

3. REPORT. THE OFFICE SHALL PUBLISH A REPORT OF ITS POLICY RECOMMENDATIONS AND ACTIVITIES, WHICH IT SHALL PROVIDE TO THE LEGISLATURE AND THE GOVERNOR, AND MAKE AVAILABLE TO THE PUBLIC ONLINE. THE OFFICE SHALL ANNUALLY UPDATE SUCH REPORT, AND INCLUDE RECOMMENDATIONS FOR MORE EFFECTIVE ACTION, PROGRAM CHANGES, AND STATUTORY CHANGES TO BETTER PREVENT THE PROLIFERATION OF CRIMINAL STREET GANGS AND CRIMINAL STREET GANG VIOLENCE.

4. CURRICULUM. THE OFFICE IN COLLABORATION WITH THE DEPARTMENT OF EDUCATION, SHALL ESTABLISH CURRICULUM FOR THE ANTI-GANG VIOLENCE PARENTING CLASSES REQUIRED PURSUANT TO THIS SECTION, INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING CRITERIA:

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

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

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

(D) HOW TO COMMUNICATE EFFECTIVELY WITH ADOLESCENTS.

(E) AN OVERVIEW OF PERTINENT SUPPORT AGENCIES AND ORGANIZATIONS FOR INTERVENTION, EDUCATION, JOB TRAINING, AND POSITIVE RECREATIONAL ACTIVITIES, INCLUDING TELEPHONE NUMBERS, LOCATIONS, AND CONTACT NAMES OF THOSE AGENCIES AND ORGANIZATIONS.

(F) THE POTENTIAL FINES AND PERIODS OF INCARCERATION FOR THE COMMISSION OF ADDITIONAL CRIMINAL STREET GANG-RELATED OFFENSES.

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

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

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

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

(C) 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.

(D) 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.

(E) 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.

(F) 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.

6. PILOT PROGRAM. THE DIVISION OF CRIMINAL JUSTICE SERVICES THROUGH THE OFFICE, AND IN COOPERATION WITH THE DEPARTMENT OF CORRECTIONAL ALTERNATIVES, SHALL ESTABLISH A PILOT PROGRAM UNDER WHICH LEADERS OF CRIMINAL STREET GANGS MAY BE TRANSFERRED TO PRISONS IN OTHER STATES PURSUANT TO SECTION ONE HUNDRED THREE OF THE CORRECTION LAW. THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL REPORT BIENNIALLY ON THE SUCCESS OF SUCH PROGRAM, WITH RECOMMENDATIONS FOR CHANGE, TO THE LEGISLATURE AND THE GOVERNOR.

S 11. Subdivision (f) of section 10.03 of the mental hygiene law, as added by chapter 7 of the laws of 2007, is amended to read as follows:

(f) "Designated felony" means any felony offense defined by any of the following provisions of the penal law: assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10, gang assault in the second degree as defined in section [120.06] 495.07, gang assault in the first degree as defined in section [120.07] 495.08, stalking in the first degree as defined in section 120.60, manslaughter in the second degree as defined in subdivision one of section 125.15, manslaughter in the first degree as defined in section 125.20, murder in the second degree as defined in section 125.25, aggravated murder as defined in section 125.26, murder in the first degree as defined in section 125.27, kidnapping in the second degree as defined in section 135.20, kidnapping in the first degree as defined in section 135.25, burglary in the third degree as defined in section 140.20, burglary in the second degree as defined in section 140.25, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, arson in the first degree as defined in section 150.20, robbery in the third degree as defined in section 160.05, robbery in the second degree as defined in section 160.10, robbery in the first degree as defined in section

160.15, promoting prostitution in the second degree as defined in section 230.30, promoting prostitution in the first degree as defined in section 230.32, compelling prostitution as defined in section 230.33, disseminating indecent material to minors in the first degree as defined in section 235.22, use of a child in a sexual performance as defined in section 263.05, promoting an obscene sexual performance by a child as defined in section 263.10, promoting a sexual performance by a child as defined in section 263.15, or any felony attempt or conspiracy to commit any of the foregoing offenses.

S 12. 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, 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 13. 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 separately amended by chapters 764 and 765 of the laws of 2005, 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.

(b) Class C violent felony offenses: an attempt to commit any of the class B felonies set forth in paragraph (a); aggravated criminally negligent homicide as defined in section 125.11, aggravated manslaughter in the second degree as defined in section 125.21, aggravated sexual abuse in the second degree as defined in section 130.67, assault on a peace officer, police officer, fireman or emergency medical services professional as defined in section 120.08, gang assault in the second degree as defined in section [120.06] 495.07, burglary in the second degree as defined in section 140.25, robbery in the second degree as defined in section 160.10, criminal possession of a weapon in the second degree as defined in section 265.03, criminal use of a firearm in the second degree as defined in section 265.08, criminal sale of a firearm in the second degree as defined in section 265.12, criminal sale of a firearm with the aid of a minor as defined in section 265.14, soliciting or providing support for an act of terrorism in the first degree as defined in section 490.15, hindering prosecution of terrorism in the second degree as defined in section 490.30, and criminal possession of a chemical weapon or biological weapon in the third degree as defined in section 490.37.

S 14. Subdivision 2 of section 130.91 of the penal law, as added by chapter 7 of the laws of 2007, is amended to read as follows:

2. A "specified offense" is a felony offense defined by any of the following provisions of this chapter: assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10, gang assault in the second degree as defined in section [120.06] 495.07, gang assault in the first degree as defined in section [120.07] 495.08, stalking in the first degree as defined in section 120.60, manslaughter in the second degree as defined in subdivision one of section 125.15, manslaughter in the first degree as defined in section 125.20, murder in the second degree as defined in section 125.25, aggravated murder as defined in section 125.26, murder in the first degree as defined in section 125.27, kidnapping in the second degree as defined in section 135.20, kidnapping in the first degree as defined in section 135.25, burglary in the third degree as defined in section 140.20, burglary in the second degree as defined in section 140.25, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, arson in the first degree as defined in section 150.20, robbery in the third degree as defined in section 160.05, robbery in the second degree as defined in section 160.10, robbery in the first degree as defined in section 160.15, promoting prostitution in the second degree as defined in section 230.30, promoting prostitution in the first degree as defined in section 230.32, compelling prostitution as defined in section 230.33, disseminating indecent material to minors in the first degree as defined in section 235.22, use of a child in a sexual performance as defined in section 263.05, promoting an obscene sexual performance by a child as defined in section 263.10, promoting a sexual performance by a child as defined in section 263.15, or any felony attempt or conspiracy to commit any of the foregoing offenses.

S 15. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.