

6262

2009-2010 Regular Sessions

I N A S S E M B L Y

February 27, 2009

Introduced by M. of A. BARRA, ERRIGO -- read once and referred to the  
Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing a state-  
wide gang database

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 section 231 to  
2 read as follows:  
3 S 231. STATEWIDE GANG DATABASE. 1. THE SUPERINTENDENT OF THE DIVISION  
4 OF STATE POLICE IS HEREBY AUTHORIZED TO DEVELOP AND MAINTAIN A STATEWIDE  
5 GANG DATABASE CONSISTING OF IDENTIFICATION INFORMATION PERTAINING TO  
6 GANG MEMBERS. FOR THE PURPOSE OF THIS SECTION, "GANG MEMBER" OR "CRIMI-  
7 NAL STREET GANG MEMBER" SHALL MEAN AN INDIVIDUAL WHO IS A MEMBER OF A  
8 FORMAL OR INFORMAL GROUP, CLUB, ORGANIZATION, OR ASSOCIATION OF THREE OR  
9 MORE INDIVIDUALS WHO PARTICIPATE, OR AGREE TO PARTICIPATE, IN CRIMINAL  
10 ACTIVITY.  
11 2. IN DEVELOPING AND MAINTAINING THE STATEWIDE GANG DATABASE ESTAB-  
12 LISHED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE SUPERINTENDENT  
13 OF THE DIVISION OF STATE POLICE SHALL:  
14 (A) CREATE A UNIFORM REPORTING FORMAT FOR THE ENTRY OF PERTINENT  
15 INFORMATION REGARDING THE REPORT OF AN ARRESTED CRIMINAL STREET GANG  
16 MEMBER OR ORGANIZED GANG AFFILIATES INTO THE STATEWIDE GANG DATABASE;  
17 (B) NOTIFY ALL STATE AND LOCAL LAW ENFORCEMENT AGENCIES THAT REPORTS  
18 OF ARRESTED CRIMINAL STREET GANG MEMBERS OR ORGANIZED GANG AFFILIATES  
19 SHALL BE ENTERED INTO THE STATEWIDE GANG DATABASE AS SOON AS THE MINIMUM  
20 LEVEL OF DATA, TO BE SPECIFIED BY SUCH SUPERINTENDENT, IS AVAILABLE TO  
21 THE REPORTING AGENCY;  
22 (C) DEVELOP AND IMPLEMENT A POLICY FOR NOTIFYING STATE AND LOCAL LAW  
23 ENFORCEMENT AGENCIES OF THE EMERGENCE OF NEW ORGANIZED CRIMINAL STREET  
24 GANGS, OR THE CHANGE OF A NAME OR OTHER IDENTIFYING INFORMATION, SIGN OR  
25 SYMBOL OF AN EXISTING ORGANIZED CRIMINAL STREET GANG;

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

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1 (D) COMPILER AND RETAIN INFORMATION REGARDING ORGANIZED CRIMINAL STREET  
2 GANGS AND THEIR MEMBERS AND AFFILIATES, IN A MANNER THAT ALLOWS THE  
3 INFORMATION TO BE USED BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES, AND  
4 OTHER STATE AGENCIES, AS DEEMED APPROPRIATE BY THE SUPERINTENDENT OF THE  
5 DIVISION OF STATE POLICE, FOR INVESTIGATIVE PURPOSES;

6 (E) COMPILER AND MAINTAIN A HISTORY DATA REPOSITORY RELATING TO ORGAN-  
7 IZED CRIMINAL STREET GANGS AND THEIR MEMBERS AND AFFILIATES IN ORDER TO  
8 DEVELOP AND IMPROVE TECHNIQUES UTILIZED BY LAW ENFORCEMENT AGENCIES AND  
9 PROSECUTORS IN THE INVESTIGATION, APPREHENSION, AND PROSECUTION OF  
10 MEMBERS AND AFFILIATES OF ORGANIZED GANGS;

11 (F) CREATE A QUALITY CONTROL PROGRAM REGARDING CONFIRMATION OF ORGAN-  
12 IZED CRIMINAL STREET GANG MEMBERSHIP AND ORGANIZED GANG AFFILIATION  
13 DATA, TIMELINESS AND ACCURACY OF INFORMATION ENTERED INTO THE STATEWIDE  
14 GANG DATABASE AND PERFORMANCE AUDITS OF ALL AGENCIES ENTERING INFORMA-  
15 TION;

16 (G) DETERMINE WHICH LAW ENFORCEMENT AGENCIES MAY BENEFIT FROM ACCESS  
17 TO THE STATEWIDE GANG DATABASE, AND NOTIFY THEM OF ITS EXISTENCE; AND

18 (H) COOPERATE WITH ALL LAW ENFORCEMENT AGENCIES WISHING TO GAIN ACCESS  
19 TO THE STATEWIDE GANG DATABASE, AND FACILITATE THEIR ENTRY INTO AND  
20 CONTINUED ACCESS TO THE DATABASE SYSTEM.

21 S 2. Severability. If any provision of this act, or the application  
22 thereof to any person or circumstance, shall be adjudged by any court of  
23 competent jurisdiction to be invalid or unconstitutional, such judgment  
24 shall not affect, impair or invalidate the remainder thereof, but shall  
25 be confined in its operation to the provision of this act, or in its  
26 application to the person or circumstance, directly involved in the  
27 controversy in which such judgment shall have been rendered.

28 S 3. This act shall take effect on the first of November next succeed-  
29 ing the date on which it shall have become a law.