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

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2009-2010 Regular Sessions

I N S E N A T E

January 26, 2009

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

ARTICLE 19-N
GOVERNOR'S ADVISORY COUNCIL
ON BIAS-RELATED VIOLENCE

SECTION 549-X. GOVERNOR'S ADVISORY COUNCIL ON BIAS-RELATED VIOLENCE.
549-Y. GENERAL POWERS AND DUTIES OF THE COUNCIL.
549-Z. ASSISTANCE OF OTHER AGENCIES.

S 549-X. GOVERNOR'S ADVISORY COUNCIL ON BIAS-RELATED VIOLENCE. 1. THERE IS HEREBY ESTABLISHED WITHIN THE EXECUTIVE DEPARTMENT A GOVERNOR'S ADVISORY COUNCIL ON BIAS-RELATED VIOLENCE. THE COUNCIL SHALL CONSIST OF TWENTY MEMBERS, BROADLY REPRESENTATIVE OF THE VARIOUS GROUPS IN SOCIETY WHICH HAVE HISTORICALLY BEEN THE TARGETS OF BIAS-RELATED VIOLENCE AND OF CLERGY, TO BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, FROM AMONG PRIVATE CITIZENS. IN MAKING SUCH APPOINTMENTS, DUE CONSIDERATION SHALL BE GIVEN TO THE RECOMMENDATIONS MADE BY REPRESENTATIVE CIVIC, EDUCATIONAL, LEGAL AND ADVOCACY GROUPS AND ASSOCIATIONS CONCERNED WITH OR OTHERWISE ENGAGED IN THE REPRESENTATION OF INTERESTS OF PERSONS WHO HAVE BEEN THE TARGETS OF BIAS-RELATED VIOLENCE. IN ADDITION, THE ATTORNEY GENERAL, THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES AND THE COMMISSIONER OF THE DIVISION OF HUMAN RIGHTS SHALL BE EX-OFFICIO MEMBERS OF THE COUNCIL.

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

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

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

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

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

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

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

4. TO MAKE RECOMMENDATIONS WITH RESPECT TO THE FOLLOWING:

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

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

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

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

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

S 2. This act shall take effect immediately.