

S. 391

A. 1030

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2009

IN SENATE -- Introduced by Sens. BRESLIN, ADAMS, DUANE, HASSELL-THOMPSON, KRUEGER, ONORATO, PARKER, SAMPSON, SCHNEIDERMAN, SMITH, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by M. of A. MCENENY, EDDINGTON, ORTIZ, KOON -- Multi-Sponsored by -- M. of A. ALFANO, AUBRY, CLARK, COLTON, DINOWITZ, HOYT, JOHN, MAYERSOHN, PEOPLES, ROBINSON, TITUS, TOWNS, WEISENBERG, WRIGHT -- read once and referred to the Committee on Codes

AN ACT to establish a task force to assess the public health impact of firearm violence and injury and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Legislative findings and intent. The legislature finds and
2 declares that firearm injuries and deaths have reached epidemic
3 proportions, with firearm injuries ranked among the top ten causes of
4 death among all Americans, and as the leading cause of death among young
5 African-American males. The legislature further finds and declares that
6 this epidemic necessitates public policies which address firearm
7 violence and injury as a public health issue and that one critical
8 component of such policies is an integrated and comprehensive statewide
9 effort to accurately document the origins, incidence and nature of
10 firearm violence and injury in New York state.
11 The legislature also finds that dispersed and widely varied data and
12 information related to incidents of firearm violence are presently
13 collected by state and local law enforcement agencies; and that informa-
14 tion and data related to the nature, severity and causes of firearm
15 injuries are also regularly compiled by health care providers engaged in
16 the treatment of such injuries. The legislature finds and declares that

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

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1 a coordinated and fully integrated statewide network of data and infor-
2 mation is required to fully assess the public health impact of firearm
3 violence and injury in New York state and to formulate policies to
4 combat such violence and injury in the protection of public health.

5 The legislature hereby establishes a task force to devise a statewide
6 network of data and information related to firearm violence and inju-
7 ries. The task force will coordinate the integration of data compiled by
8 law enforcement agencies and health care providers, related to firearm
9 violence and injury. This task force will be comprised of appropriate
10 state agency personnel, law enforcement authorities, health care provid-
11 ers, and experts in the fields of epidemiology and ballistics. The task
12 force will assess the nature and current methods by which data related
13 to firearm violence and injury are compiled and reported by law enforce-
14 ment agencies and health care providers. The task force shall recommend
15 any changes in the nature or manner in which such data is compiled and
16 reported, to facilitate an on-going, statewide assessment of the public
17 health impact of firearm violence and injury in New York state.

18 S 2. An eight member task force is hereby established to assess
19 current data and information compiled by law enforcement personnel and
20 health providers related to incidents of firearm violence and injury,
21 and to recommend mechanisms by which an integrated, statewide data
22 collection and tracking system may be established to assess the public
23 health impact of such violence and injury.

24 S 3. The task force shall be comprised of the commissioners of the
25 department of health and the division of criminal justice services, who
26 may designate representatives to act on their behalf.

27 The commissioner of the department of health or the designee thereof,
28 shall chair the task force. The governor shall appoint two members to
29 the task force: one member shall be an epidemiologist experienced in the
30 study of firearm injuries and one member shall be an expert in firearm
31 ballistics. The temporary president of the senate and the speaker of the
32 assembly shall each appoint one member to the task force who shall be a
33 member of a state or local law enforcement agency. The minority leaders
34 of the senate and assembly shall each appoint one member to the task
35 force, who shall be a health care provider regularly engaged in the
36 treatment of firearm injuries. Administrative duties of the task force
37 shall be the responsibility of the department of health.

38 S 4. The task force shall provide a report to the governor and the
39 legislature on or before January 15, 2011. Such report shall include:

40 (a) an identification of the data and informational needs associated
41 with an assessment of firearm violence and injury as an issue of public
42 health in New York state;

43 (b) an identification of any differences among state and local law
44 enforcement agencies in the collection and reporting of information and
45 data related to firearm violence and injury, the basis for any such
46 differences, and how such differences may be addressed;

47 (c) an identification of any differences among health care providers
48 and in particular, emergency medical services providers, with regard to
49 the collection and reporting of firearm injury data and information, the
50 basis for such differences, and how such differences may be addressed;

51 (d) an assessment of the need for improved epidemiological data and
52 information concerning firearm injuries, including information on the
53 frequency and distribution of such injuries and the specific types of
54 firearms associated with various injuries;

55 (e) an identification of any opportunities for, or barriers to, a more
56 uniform statewide approach to the collection and reporting of data and

1 information from both law enforcement agencies and health care provid-
2 ers, concerning incidents of firearm violence and injury, with full and
3 proper regard to the protection of the rights of victims of such
4 violence and injury and the rights of criminal defendants;

5 (f) a recommendation of a state agency to assume responsibility for
6 the planning and coordination of a statewide data and information
7 network comprised of firearm violence and injury data as reported from
8 state and local law enforcement agencies and health care providers, and
9 designed to be used in formulating public health strategies to deter
10 firearm violence and injuries; and

11 (g) an identification of public health policies and strategies which
12 may arise from a statewide data and information network on firearm
13 violence and injuries, and focused on the prevention of such violence
14 and injuries.

15 The task force shall meet as frequently as its business may require
16 and members of the task force shall receive no compensation for their
17 services, but shall be allowed their actual and necessary expenses
18 incurred in performance of their duties.

19 S 5. This act shall take effect immediately and shall expire on Febru-
20 ary 1, 2011 when it shall be deemed repealed.