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

950

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

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

AN ACT to amend the penal law, the education law and the tax law, in relation to enacting the "New York safe neighborhood and investment act of 2009"; and making an appropriation therefor

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

Section 1. Short title. This act shall be known and may be cited as the "New York safe neighborhood and investment act of 2009".

S 2. The penal law is amended by adding a new article 280 to read as follows:

ARTICLE 280

CRIMINAL STREET GANG ACTIVITY

SECTION 280.00 DEFINITIONS.
280.05 PARTICIPATION IN A STREET GANG IN THE SECOND DEGREE.
280.10 PARTICIPATION IN A STREET GANG IN THE FIRST DEGREE.
280.15 PARTICIPATION IN A STREET GANG ON OR NEAR SCHOOL GROUNDS.
280.20 FURTHERING A STREET GANG IN THE THIRD DEGREE.
280.25 FURTHERING A STREET GANG IN THE SECOND DEGREE.
280.30 FURTHERING A STREET GANG IN THE FIRST DEGREE.
280.35 FURTHERING A STREET GANG ON OR NEAR SCHOOL GROUNDS.
280.40 COERCING ANOTHER TO PARTICIPATE IN OR FURTHER STREET GANG ACTIVITY IN THE SECOND DEGREE.
280.45 COERCING ANOTHER TO PARTICIPATE IN OR FURTHER STREET GANG ACTIVITY IN THE FIRST DEGREE.
280.50 COERCING ANOTHER TO PARTICIPATE IN OR FURTHER STREET GANG ACTIVITY ON OR NEAR SCHOOL GROUNDS.
280.55 SENTENCING LIMITATIONS.

S 280.00 DEFINITIONS.

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

LBD05835-01-9

1. AS USED IN THIS ARTICLE, THE TERM "CRIMINAL STREET GANG" MEANS ANY ONGOING ORGANIZATION, ASSOCIATION, OR GROUP OF THREE OR MORE PERSONS, WHETHER FORMAL OR INFORMAL, HAVING AS ONE OF ITS PRIMARY ACTIVITIES THE COMMISSION OF CRIME, HAVING A COMMON NAME OR COMMON IDENTIFYING SIGN OR SYMBOL AND WHOSE MEMBERS INDIVIDUALLY OR COLLECTIVELY ENGAGE IN, OR HAVE ENGAGED IN, A PATTERN OF CRIMINAL GANG ACTIVITY.

2. AS USED IN THIS ARTICLE THE TERM "PATTERN OF CRIMINAL GANG ACTIVITY" MEANS THE COMMISSION OF, ATTEMPTED COMMISSION OF, OR SOLICITATION OF, OR CONVICTION OF TWO OR MORE FELONY OFFENSES AS ARE DEFINED IN THIS CHAPTER, PROVIDED THAT THESE OFFENSES OCCURRED AFTER THE EFFECTIVE DATE OF THIS ARTICLE AND THE LAST OF THESE OFFENSES OCCURRED WITHIN THREE YEARS AFTER A PRIOR OFFENSE, AND THE OFFENSES WERE COMMITTED ON SEPARATE OCCASIONS, OR BY TWO OR MORE PERSONS.

S 280.05 PARTICIPATION IN A STREET GANG IN THE SECOND DEGREE.

A PERSON IS GUILTY OF PARTICIPATION IN A STREET GANG IN THE SECOND DEGREE WHEN HE OR SHE ACTIVELY PARTICIPATES IN ANY CRIMINAL STREET GANG WITH THE KNOWLEDGE THAT ITS MEMBERS ENGAGE IN OR HAVE ENGAGED IN CRIMINAL GANG ACTIVITY, AND WHO WILLFULLY PROMOTES, FURTHERS, ENCOURAGES OR ASSISTS IN ANY NON-VIOLENT CRIMINAL ACTIVITY AS DEFINED BY THIS CHAPTER.

PARTICIPATION IN A STREET GANG IN THE SECOND DEGREE IS A CLASS A MISDEMEANOR.

S 280.10 PARTICIPATION IN A STREET GANG IN THE FIRST DEGREE.

A PERSON IS GUILTY OF PARTICIPATION IN A STREET GANG IN THE FIRST DEGREE WHEN HE OR SHE ACTIVELY PARTICIPATES IN ANY CRIMINAL STREET GANG WITH THE KNOWLEDGE THAT ITS MEMBERS ENGAGE IN OR HAVE ENGAGED IN CRIMINAL GANG ACTIVITY, AND WHO WILLFULLY PROMOTES, FURTHERS, ENCOURAGES OR ASSISTS IN ANY VIOLENT CRIMINAL ACTIVITY AS DEFINED BY THIS CHAPTER.

PARTICIPATION IN A STREET GANG IN THE FIRST DEGREE IS A CLASS E FELONY.

S 280.15 PARTICIPATION IN A STREET GANG ON OR NEAR SCHOOL GROUNDS.

A PERSON IS GUILTY OF PARTICIPATION IN A STREET GANG ON OR NEAR SCHOOL GROUNDS WHEN HE OR SHE KNOWINGLY AND UNLAWFULLY COMMITS THE OFFENSES OUTLINED IN SECTION 280.05 OR 280.10 OF THIS ARTICLE AND SUCH VIOLATION OCCURS ON OR WITHIN ONE THOUSAND FEET OF A PRIVATE OR PUBLIC NURSERY, ELEMENTARY, VOCATIONAL, JUNIOR HIGH OR SENIOR HIGH SCHOOL DURING THE HOURS WHICH SUCH FACILITY OR INSTITUTION IS OPEN FOR CLASSES OR SCHOOL RELATED PROGRAMS.

PARTICIPATION IN A STREET GANG ON OR NEAR SCHOOL GROUNDS IS A CLASS E FELONY.

S 280.20 FURTHERING A STREET GANG IN THE THIRD DEGREE.

A PERSON IS GUILTY OF FURTHERING A STREET GANG IN THE THIRD DEGREE WHEN ANY PERSON WHO IS CONVICTED OF A MISDEMEANOR, AS DEFINED IN THIS CHAPTER, WHICH WAS COMMITTED FOR THE BENEFIT OF, AT THE DIRECTION OF, OR IN ASSOCIATION WITH ANY CRIMINAL STREET GANG, WITH THE SPECIFIC INTENT TO PROMOTE, FURTHER, OR ASSIST IN ANY CRIMINAL CONDUCT BY GANG MEMBERS, SHALL, UPON CONVICTION FOR AND IN ADDITION TO THAT CONVICTION, BE GUILTY OF FURTHERING A STREET GANG IN THE THIRD DEGREE.

FURTHERING A STREET GANG IN THE THIRD DEGREE IS A CLASS A MISDEMEANOR.

S 280.25 FURTHERING A STREET GANG IN THE SECOND DEGREE.

A PERSON IS GUILTY OF FURTHERING A STREET GANG IN THE SECOND DEGREE WHEN ANY PERSON WHO IS CONVICTED OF A NON-VIOLENT FELONY, AS DEFINED IN THIS CHAPTER, WHICH WAS COMMITTED FOR THE BENEFIT OF, AT THE DIRECTION OF, OR IN ASSOCIATION WITH ANY CRIMINAL STREET GANG, WITH THE SPECIFIC INTENT TO PROMOTE, FURTHER, OR ASSIST IN ANY CRIMINAL CONDUCT BY GANG MEMBERS, SHALL, UPON CONVICTION FOR AND IN ADDITION TO THAT FELONY, BE GUILTY OF FURTHERING A STREET GANG IN THE SECOND DEGREE.

FURTHERING A STREET GANG IN THE SECOND DEGREE IS A CLASS E FELONY.

S 280.30 FURTHERING A STREET GANG IN THE FIRST DEGREE.

A PERSON IS GUILTY OF FURTHERING A STREET GANG IN THE FIRST DEGREE WHEN ANY PERSON WHO IS CONVICTED OF A VIOLENT FELONY, AS DEFINED IN THIS CHAPTER, WHICH WAS COMMITTED FOR THE BENEFIT OF, AT THE DIRECTION OF, OR IN ASSOCIATION WITH ANY CRIMINAL STREET GANG, WITH THE SPECIFIC INTENT TO PROMOTE, FURTHER, OR ASSIST IN ANY CRIMINAL CONDUCT BY GANG MEMBERS, SHALL, UPON CONVICTION FOR AND IN ADDITION TO THAT FELONY, BE GUILTY OF FURTHERING A STREET GANG IN THE FIRST DEGREE.

FURTHERING A STREET GANG IN THE FIRST DEGREE IS A CLASS D FELONY.

S 280.35 FURTHERING A STREET GANG ON OR NEAR SCHOOL GROUNDS.

A PERSON IS GUILTY OF FURTHERING A STREET GANG ON OR NEAR SCHOOL GROUNDS WHEN HE OR SHE KNOWINGLY AND UNLAWFULLY COMMITS THE OFFENSES OUTLINED IN SECTION 280.20, 280.25 OR 280.30 OF THIS ARTICLE AND SUCH VIOLATION OCCURS ON OR WITHIN ONE THOUSAND FEET OF A PRIVATE OR PUBLIC NURSERY, ELEMENTARY, VOCATIONAL, JUNIOR HIGH OR SENIOR HIGH SCHOOL DURING THE HOURS WHICH THE FACILITY IS OPEN FOR CLASSES OR SCHOOL RELATED PROGRAMS.

FURTHERING A STREET GANG ON OR NEAR SCHOOL GROUNDS IS A CLASS C FELONY.

S 280.40 COERCING ANOTHER TO PARTICIPATE IN OR FURTHER STREET GANG ACTIVITY IN THE SECOND DEGREE.

A PERSON IS GUILTY OF COERCING ANOTHER TO PARTICIPATE IN OR FURTHER STREET GANG ACTIVITY IN THE SECOND DEGREE WHEN ANY PERSON SIXTEEN YEARS OF AGE OR OLDER WHO THREATENS ANOTHER WITH THE USE OF PHYSICAL VIOLENCE ON TWO OR MORE SEPARATE OCCASIONS WITHIN ANY THIRTY DAY PERIOD WITH THE INTENT TO COERCE, INDUCE OR SOLICIT SUCH INDIVIDUAL TO ACTIVELY PARTICIPATE IN OR FURTHER A CRIMINAL STREET GANG SHALL BE GUILTY OF COERCING ANOTHER TO PARTICIPATE IN OR FURTHER STREET GANG ACTIVITY IN THE SECOND DEGREE.

COERCING ANOTHER TO PARTICIPATE IN OR FURTHER STREET GANG ACTIVITY IN THE SECOND DEGREE IS A CLASS E FELONY.

S 280.45 COERCING ANOTHER TO PARTICIPATE IN OR FURTHER STREET GANG ACTIVITY IN THE FIRST DEGREE.

A PERSON IS GUILTY OF COERCING ANOTHER TO PARTICIPATE IN OR FURTHER STREET GANG ACTIVITY IN THE FIRST DEGREE WHEN ANY PERSON SIXTEEN YEARS OF AGE OR OLDER WHO UTILIZES PHYSICAL VIOLENCE TO COERCE, INDUCE OR SOLICIT ANOTHER TO ACTIVELY PARTICIPATE IN OR FURTHER ANY CRIMINAL STREET GANG SHALL BE GUILTY OF COERCING ANOTHER TO PARTICIPATE IN OR FURTHER STREET GANG ACTIVITY IN THE FIRST DEGREE.

COERCING ANOTHER TO PARTICIPATE IN OR FURTHER STREET GANG ACTIVITY IN THE FIRST DEGREE IS A CLASS D FELONY.

S 280.50 COERCING ANOTHER TO PARTICIPATE IN OR FURTHER STREET GANG ACTIVITY ON OR NEAR SCHOOL GROUNDS.

A PERSON IS GUILTY OF COERCING ANOTHER TO PARTICIPATE IN OR FURTHER STREET GANG ACTIVITY ON OR NEAR SCHOOL GROUNDS WHEN HE OR SHE KNOWINGLY AND UNLAWFULLY COMMITS THE OFFENSES OUTLINED IN SECTION 280.40 OR 280.45 OF THIS ARTICLE AND SUCH VIOLATION OCCURS ON OR WITHIN ONE THOUSAND FEET OF A PRIVATE OR PUBLIC NURSERY, ELEMENTARY, VOCATIONAL, JUNIOR HIGH OR SENIOR HIGH SCHOOL DURING THE HOURS WHICH THE FACILITY IS OPEN FOR CLASSES OR SCHOOL RELATED PROGRAMS.

COERCING ANOTHER TO PARTICIPATE IN OR FURTHER STREET GANG ACTIVITY ON OR NEAR SCHOOL GROUNDS IS A CLASS C FELONY.

S 280.55 SENTENCING LIMITATIONS.

IF A COURT SENTENCES A PERSON TO A TERM OF PROBATION OR SUSPENDS THE EXECUTION OF SENTENCE IMPOSED UPON A DEFENDANT FOR ANY SECTION OF THIS

ARTICLE OTHER THAN SECTION 280.05 OR 280.20, THE COURT SHALL REQUIRE THAT THE DEFENDANT SERVE A MINIMUM OF NINETY DAYS IN THE COUNTY JAIL AS A CONDITION THEREOF; HOWEVER THE COURT MAY REFUSE TO IMPOSE THIS MINIMUM JAIL TERM IF, UPON A REVIEW OF THE EVIDENCE, IT DETERMINES THAT THE INTEREST OF JUSTICE WOULD BEST BE SERVED BY NOT DOING SO. IN ALL SUCH CASES, THE COURT MUST SPECIFY ON THE RECORD ITS REASONS FOR REDUCING THE MINIMUM JAIL TERM.

S 3. The education law is amended by adding a new section 319 to read as follows:

S 319. NEIGHBORHOOD QUALITY OF LIFE COMMUNITY SERVICE BY STUDENTS. 1. BEGINNING WITH THE ELEVENTH GRADE CLASS IN THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR AND INCLUDING EVERY CLASS THEREAFTER, EACH STUDENT SHALL COMPLETE A PROGRAM OF TWENTY HOURS OF COMMUNITY SERVICE DURING THE COURSE OF THE ELEVENTH AND TWELFTH GRADES AS A CONDITION OF GRADUATION FROM PUBLIC OR PRIVATE HIGH SCHOOL. SUCH COMMUNITY SERVICE SHALL BE DIRECTED AT IMPROVING THE QUALITY OF LIFE FOR RESIDENTS OF THE SCHOOL DISTRICT NEIGHBORHOODS.

2. EACH LOCAL BOARD OF EDUCATION OR GOVERNING BODY MAY ESTABLISH A LOCAL EDUCATION FUND FOR THE PURPOSES OF ADMINISTERING THE COMMUNITY SERVICE PROGRAM. THE BOARD OF EDUCATION OR GOVERNING BODY IS AUTHORIZED TO ACCEPT AND DEPOSIT INTO SUCH FUND ANY CONTRIBUTIONS FROM BUSINESSES OR INDIVIDUALS WISHING TO SUPPORT SUCH COMMUNITY SERVICE PROGRAM.

3. EACH LOCAL BOARD OF EDUCATION OR GOVERNING BODY SHALL, PURSUANT TO GUIDELINES ESTABLISHED BY THE COMMISSIONER, IMPLEMENT A PROGRAM OF NEIGHBORHOOD QUALITY OF LIFE COMMUNITY SERVICE FOR STUDENTS IN GRADES ELEVEN AND TWELVE. THE COMMISSIONER SHALL, AT THE REQUEST OF A LOCAL BOARD OF EDUCATION OR GOVERNING BODY, PROVIDE ANY TECHNICAL ASSISTANCE WHICH MAY BE NECESSARY TO AID A DISTRICT IN THE PLANNING AND IMPLEMENTATION OF ITS NEIGHBORHOOD QUALITY OF LIFE COMMUNITY SERVICE PROGRAM. THE PROGRAM SHALL PROVIDE, EXCEPT AS PRESCRIBED IN SUBDIVISION ONE OF THIS SECTION:

(A) A STUDENT SHALL COMPLETE A MINIMUM OF TWENTY HOURS OF COMMUNITY SERVICE OVER TWO YEARS, BUT NO MORE THAN TEN HOURS IN ANY ONE YEAR;

(B) A STUDENT MAY COMPLETE THE COMMUNITY SERVICE DURING THE EVENINGS, ON WEEKENDS, OR DURING THE SUMMER, BUT SHALL NOT COMPLETE THE COMMUNITY SERVICE DURING SCHOOL HOURS UNLESS PERMISSION TO DO SO IS GRANTED BY THE SUPERINTENDENT OR COMMUNITY SUPERINTENDENT OF THE SCHOOL DISTRICT IN WHICH SUCH STUDENT IS ENROLLED. PERMISSION FOR COMPLETION OF THE COMMUNITY SERVICE DURING SCHOOL HOURS BY THE STUDENT MAY BE GRANTED BY THE SUPERINTENDENT OR COMMUNITY SUPERINTENDENT ONLY IF HE OR SHE IS SATISFIED THAT (I) SUCH COMMUNITY SERVICE WILL NOT INTERFERE WITH THE STUDENT'S OVERALL ACADEMIC PERFORMANCE AND (II) THE STUDENT DEMONSTRATES THAT HE OR SHE IS UNABLE TO COMPLETE THE COMMUNITY SERVICE DURING EVENINGS, WEEKEND OR SUMMER HOURS OR PERMISSION MAY BE GRANTED FOR COMPLETION OF THE COMMUNITY SERVICE DURING SCHOOL HOURS, IF SUCH COMMUNITY SERVICE IS IN CONJUNCTION WITH AN IN-SCHOOL SERVICE PROGRAM;

(C) A STUDENT MAY COMPLETE THE COMMUNITY SERVICE REQUIREMENT WITH A NOT-FOR-PROFIT AGENCY OR ORGANIZATION, A PUBLIC AGENCY OR INSTITUTION, A NOT-FOR-PROFIT OR FOR-PROFIT HEALTH CARE FACILITY, OR ANY OTHER COMMUNITY ORGANIZATION WHICH THE LOCAL BOARD OF EDUCATION OR GOVERNING BODY DEEMS APPROPRIATE; AND

(D) A STUDENT SHALL NOT RECEIVE COMPENSATION FOR COMMUNITY SERVICE OR SUBSTITUTE EMPLOYMENT FOR THE SERVICE REQUIREMENT BUT MAY PURSUANT TO RULES AND REGULATIONS TO BE ADOPTED BY THE COMMISSIONER, BE ELIGIBLE FOR ELECTIVE CREDIT TOWARD GRADUATION OR TOWARD A GRADUATION REQUIREMENT, OR

AS COLLEGE CREDIT IN STATE COMMUNITY COLLEGES AND THE COLLEGES AND UNIVERSITIES IN THE STATE UNIVERSITY OF NEW YORK SYSTEM.

4. THE COMMISSIONER SHALL PERIODICALLY REVIEW THE PROGRESS OF THE NEIGHBORHOOD QUALITY OF LIFE COMMUNITY SERVICE PROGRAM, AND SHALL REPORT TO THE GOVERNOR AND THE LEGISLATURE ON THE FINDINGS OF THE REVIEW, INCLUDING RECOMMENDATIONS FOR CHANGES WHICH ARE DEEMED APPROPRIATE.

5. THE DEPARTMENT SHALL:

(A) DEVELOP A LONG RANGE PLAN THAT INCLUDES THE INTEGRATION OF COMMUNITY SERVICE LEARNING INTO ACADEMIC CURRICULA;

(B) WORK FOR THE INVOLVEMENT OF NOT-FOR-PROFIT COMMUNITY BASED ORGANIZATIONS AND YOUTH SERVICE AGENCIES INTO COMMUNITY SERVICE PROGRAMS; AND

(C) CREATE A RESOURCE INFORMATION NETWORK TO PROVIDE ASSISTANCE, IDEAS AND MOTIVATION TO SCHOOL DISTRICTS AS THEY IMPLEMENT COMMUNITY SERVICE PROGRAMS.

6. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO EXEMPT THE AGENCIES, ORGANIZATIONS AND INSTITUTIONS WHICH PERMIT HIGH SCHOOL STUDENTS TO PERFORM COMMUNITY SERVICE FROM COMPLYING WITH BOTH FEDERAL AND STATE CHILD LABOR LAWS.

7. THE COMMISSIONER SHALL ADOPT RULES AND REGULATIONS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS SECTION.

S 4. Section 1456 of the tax law is amended by adding a new subsection (u) to read as follows:

(U) SAFE NEIGHBORHOOD INVESTMENT CREDIT. (1) A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE. THE AMOUNT OF THE CREDIT SHALL BE EQUAL TO TWENTY-FIVE PERCENT OF THE SUM OF THE FOLLOWING INVESTMENTS AND CONTRIBUTIONS MADE DURING THE TAXABLE YEAR AND CERTIFIED BY, WHERE APPROPRIATE, THE COMMISSIONER OF EDUCATION OR THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES: (A) CONTRIBUTIONS OF MONEY TO ONE OR MORE LOCAL EDUCATION FUNDS ESTABLISHED PURSUANT TO SUBDIVISION TWO OF SECTION THREE HUNDRED NINETEEN OF THE EDUCATION LAW FOR THE PURPOSES OF ADMINISTERING NEIGHBORHOOD QUALITY OF LIFE COMMUNITY SERVICE PROGRAMS FOR STUDENTS; (B) INVESTMENT MADE IN, OR CONTRIBUTIONS IN THE FORM OF DONATIONS MADE TO ONE OR MORE PROGRAMS AUTHORIZED BY THE ADVANTAGE AFTER-SCHOOL PROGRAM; (C) INVESTMENT MADE IN, OR CONTRIBUTIONS IN THE FORM OF DONATIONS MADE TO ONE OR MORE PROGRAMS IDENTIFIED BY THE EDUCATION DEPARTMENT PURSUANT TO SUBDIVISION FIVE OF SECTION THREE HUNDRED NINETEEN OF THE EDUCATION LAW. THE TOTAL AMOUNT OF CREDIT ALLOWABLE TO A TAXPAYER UNDER THIS PROVISION FOR ALL YEARS, TAKEN IN THE AGGREGATE, SHALL NOT EXCEED THREE HUNDRED THOUSAND DOLLARS, AND SHALL NOT EXCEED ONE HUNDRED THOUSAND DOLLARS WITH RESPECT TO THE INVESTMENTS AND CONTRIBUTIONS DESCRIBED IN EACH OF SUBPARAGRAPHS (A), (B) AND (C) OF THIS PARAGRAPH.

(2) THE CREDIT AND CARRYOVER OF SUCH CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE MINIMUM TAX FIXED BY SUBSECTION (B) OF SECTION FOURTEEN HUNDRED FIFTY-FIVE OF THIS ARTICLE. HOWEVER, IF THE AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT, OR BOTH, ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, OR IF ANY PART OF THE CREDIT OR CARRYOVERS OF SUCH CREDIT MAY NOT BE DEDUCTED FROM THE TAX OTHERWISE DUE BY REASON OF THE FINAL SENTENCE OF THIS PARAGRAPH, ANY AMOUNT OF CREDIT OR CARRYOVERS OF SUCH CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAX FOR SUCH YEAR OR YEARS. IN ADDITION, THE AMOUNT OF SUCH CREDIT, AND CARRYOVERS OF SUCH CREDIT TO THE TAXABLE YEAR, DEDUCTED FROM THE TAX OTHERWISE DUE MAY NOT, IN THE AGGREGATE, EXCEED FIFTY PERCENT OF THE TAX IMPOSED UNDER

SECTION FOURTEEN HUNDRED FIFTY-FIVE OF THIS ARTICLE COMPUTED WITHOUT REGARD TO ANY CREDIT PROVIDED FOR UNDER THIS ARTICLE.

S 5. The sum of fifty million dollars ($50,000,000), or so much thereof as may be necessary, is hereby appropriated to the office of children and family services from any moneys in the state treasury in the general fund to the credit of the local assistance account not otherwise appropriated for services and expenses of the office of children and family services and any other appropriate agency or department for the purposes of implementing the programs authorized by the Advantage after-school program. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of the office of children and family services, or his or her duly designated representative in the manner provided by law. The commissioner of the office of children and family services shall distribute such moneys to school districts known to be areas of high risk for gang related activities for the purposes of:

1. education and outreach programs directed at students in grades two through nine which promote awareness of the dangers of gang affiliations and gang related violence in neighborhoods; and

2. local education funds established pursuant to section 319 of the education law, for the purposes of funding and administering the neighborhood quality of life community service program for students in eleventh and twelfth grades.

S 6. This act shall take effect on the first of November next succeeding the date on which it shall have become a law; provided, however, that the attorney general and the commissioner of education and the commissioner of the office of children and family services are authorized and directed to promulgate any rules and regulations necessary for the timely implementation of this act on its effective date, on or before such date.