

6662

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 24, 2011

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Introduced by M. of A. MALLIOTAKIS, CASTELLI, RAIA, MONTESANO, McDO-  
NOUGH, CROUCH, P. RIVERA, P. LOPEZ, BARCLAY -- Multi-Sponsored by --  
M. of A. CERETTO, CONTE, MAYERSOHN, McLAUGHLIN, J. MILLER, MOLINARO,  
SALADINO, WEISENBERG -- read once and referred to the Committee on  
Governmental Operations

AN ACT to amend the executive law, in relation to establishing a blue  
alert system to aid in the apprehension of any individuals suspected  
of killing or seriously wounding any law enforcement officer

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 two new sections  
2     837-s and 837-t to read as follows:  
3     S 837-S. BLUE ALERT SYSTEM. 1. THERE IS ESTABLISHED WITHIN THE DIVI-  
4     SION THE BLUE ALERT SYSTEM REFERRED TO IN THIS SECTION AS THE "SYSTEM"  
5     WHICH IS A STATEWIDE PROGRAM TO AID IN THE IDENTIFICATION, LOCATION AND  
6     APPREHENSION OF ANY INDIVIDUAL OR INDIVIDUALS SUSPECTED OF KILLING OR  
7     SERIOUSLY WOUNDING ANY LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT OFFICER.  
8     2. FOR THE PURPOSES OF THIS SECTION, "LAW ENFORCEMENT OFFICER" MEANS  
9     ANY PUBLIC SERVANT HAVING BOTH THE POWER AND DUTY TO MAKE ARRESTS FOR  
10    VIOLATIONS OF THE LAWS OF THE STATE OF NEW YORK, AND FEDERAL LAW  
11    ENFORCEMENT OFFICERS AUTHORIZED TO CARRY FIREARMS AND TO MAKE ARRESTS  
12    FOR VIOLATIONS OF THE LAWS OF THE UNITED STATES.  
13    3. THE DIVISION SHALL DEVELOP REGIONS TO PROVIDE THE SYSTEM. THE DIVI-  
14    SION SHALL COORDINATE WITH LOCAL LAW ENFORCEMENT AGENCIES AND PUBLIC  
15    COMMERCIAL TELEVISION AND RADIO BROADCASTERS TO PROVIDE AN EFFECTIVE  
16    SYSTEM. IN THE EVENT THAT A LOCAL LAW ENFORCEMENT AGENCY OPTS NOT TO SET  
17    UP A SYSTEM AND A KILLING OR SERIOUS WOUNDING OF A LAW ENFORCEMENT OFFI-  
18    CER OCCURS WITHIN THE JURISDICTION, IT SHALL NOTIFY THE DIVISION WHO  
19    WILL NOTIFY LOCAL MEDIA IN THE REGION.  
20    4. THE BLUE ALERT SYSTEM SHALL INCLUDE ALL STATE AGENCIES CAPABLE OF  
21    PROVIDING URGENT AND TIMELY INFORMATION TO THE PUBLIC TOGETHER WITH

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

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1 BROADCASTERS AND OTHER PRIVATE ENTITIES THAT VOLUNTEER TO PARTICIPATE IN  
2 THE DISSEMINATION OF URGENT PUBLIC INFORMATION. THE BLUE ALERT SYSTEM  
3 SHALL INCLUDE, BUT NOT BE LIMITED TO THE DIVISION, THE NEW YORK STATE  
4 DEPARTMENT OF TRANSPORTATION, AND THE NEW YORK STATE LOTTERY.

5 5. THE DIVISION SHALL HAVE THE AUTHORITY TO NOTIFY OTHER REGIONS UPON  
6 VERIFICATION THAT THE CRITERIA ESTABLISHED BY THE OVERSIGHT COMMITTEE  
7 HAS BEEN MET.

8 6. PARTICIPATION IN A BLUE ALERT SYSTEM IS ENTIRELY AT THE OPTION OF  
9 LOCAL LAW ENFORCEMENT AGENCIES AND FEDERALLY LICENSED RADIO AND TELE-  
10 VISION BROADCASTERS.

11 7. ANY PERSON WHO KNOWINGLY MAKES A FALSE REPORT THAT TRIGGERS AN  
12 ALERT UNDER THIS SECTION IS GUILTY OF A CLASS A MISDEMEANOR.

13 S 837-T. LAW ENFORCEMENT COUNCIL BLUE ALERT SYSTEM OVERSIGHT. 1. THE  
14 LAW ENFORCEMENT COUNCIL SHALL DEVELOP CRITERIA AND PROCEDURES FOR THE  
15 BLUE ALERT SYSTEM. THE LAW ENFORCEMENT COUNCIL SHALL REGULARLY REVIEW  
16 THE FUNCTION OF THE BLUE ALERT SYSTEM AND REVISE ITS CRITERIA AND PROCE-  
17 DURES IN COOPERATION WITH THE DIVISION TO PROVIDE FOR EFFICIENT AND  
18 EFFECTIVE PUBLIC NOTIFICATION. AS SOON AS PRACTICABLE, THE LAW ENFORCE-  
19 MENT COUNCIL SHALL ADOPT CRITERIA AND PROCEDURES TO EXPAND THE BLUE  
20 ALERT SYSTEM TO PROVIDE URGENT PUBLIC ALERTS RELATED TO HOMELAND SECURI-  
21 TY, CRIMINAL ACTS, HEALTH EMERGENCIES, AND OTHER IMMINENT DANGERS TO THE  
22 PUBLIC HEALTH AND WELFARE.

23 2. THE LAW ENFORCEMENT COUNCIL IS HEREBY AUTHORIZED TO PROMULGATE  
24 RULES AND REGULATIONS FOR THE IMPLEMENTATION OF THE BLUE ALERT SYSTEM.

25 S 2. Severability. If any clause, sentence, paragraph, section or part  
26 of this act shall be adjudged by any court of competent jurisdiction to  
27 be invalid, such judgment shall not affect, impair or invalidate the  
28 remainder thereof, but shall be confined in its operation to the clause,  
29 sentence, paragraph, section or part thereof directly involved in the  
30 controversy in which such judgment shall have been rendered.

31 S 3. This act shall take effect on the ninetieth day after it shall  
32 have become a law; provided, that section 837-t of the executive law, as  
33 added by section one of this act, shall take effect immediately.