

4787

2011-2012 Regular Sessions

I N S E N A T E

April 25, 2011

Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the development and implementation of an interface between the department of motor vehicles and the state police for the purpose of comparing information submitted by individuals engaging in in-person, mail or internet transactions with the department of motor vehicles to open criminal warrants

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 399-p to read as follows:
3 S 399-P. POLICE INFORMATION INTERFACE. 1. THE COMMISSIONER SHALL
4 ESTABLISH A PROGRAM TO ALLOW THE DEPARTMENT TO INTERFACE WITH THE NEW
5 YORK STATE POLICE INFORMATION NETWORK (NYSPIN), SUCH THAT INFORMATION
6 SUBMITTED BY INDIVIDUALS ENGAGING IN IN-PERSON, MAIL OR INTERNET TRANS-
7 ACTIONS WITH THE DEPARTMENT SHALL BE COMPARED TO OPEN CRIMINAL WARRANTS.
8 THE COMMISSIONER, IN CONJUNCTION WITH THE DIVISION OF STATE POLICE, THE
9 DIVISION OF CRIMINAL JUSTICE SERVICES, AND THE OFFICE FOR TECHNOLOGY
10 SHALL DEVELOP AND IMPLEMENT SUCH INTERFACE, PURSUANT TO THE FOLLOWING
11 STANDARDS.
12 2. THE INTERFACE SHALL AUTOMATICALLY CONDUCT A REAL-TIME COMPARISON OF
13 TRANSACTIONAL INFORMATION ENTERED INTO DEPARTMENT DATABASES AND CURRENT
14 WARRANT INFORMATION CONTAINED IN NYSPIN. WHEN SUCH COMPARISON YIELDS A
15 CORRELATION SUFFICIENT TO BE CONSIDERED A MATCH, AS DETERMINED BY THE
16 DIVISION OF STATE POLICE, A COMPUTERIZED SYSTEM SHALL AUTOMATICALLY
17 TRANSMIT ALL DEPARTMENT INFORMATION PERTINENT TO THE WARRANT TO STATE OR
18 LOCAL LAW ENFORCEMENT. THE COMPUTERIZED SYSTEM SHALL NOT, AT ANY TIME,
19 ALERT THE DEPARTMENT OR ITS EMPLOYEES OF THE RESULTS OF THE INTERFACE
20 PROCESS.

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

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1 3. DEPARTMENT INFORMATION THAT SHALL BE TRANSMITTED TO LAW ENFORCEMENT
2 AGENCIES MAY INCLUDE, BUT IS NOT LIMITED TO: PHOTOGRAPHS AND PHYSICAL
3 CHARACTERISTICS OF AN INDIVIDUAL, DESCRIPTIONS OF VEHICLES REGISTERED TO
4 AND/OR OWNED BY AN INDIVIDUAL, THE LAST KNOWN ADDRESS AND CONTACT INFOR-
5 MATION OF AN INDIVIDUAL, THE PRESENT LOCATION OF AN INDIVIDUAL, AND THE
6 DRIVER IDENTIFICATION AND SOCIAL SECURITY NUMBERS OF AN INDIVIDUAL. SUCH
7 INFORMATION SHALL ONLY BE TRANSMITTED TO A LAW ENFORCEMENT AGENCY FOR
8 USE IN CARRYING OUT ITS FUNCTIONS, PURSUANT TO THE FEDERAL DRIVER'S
9 PRIVACY PROTECTION ACT (18 U.S.C. S 2721 ET. SEQ.).

10 4. OPERATION AND MAINTENANCE OF THE INTERFACE SHALL BE BY A JOINT
11 EFFORT OF THE DEPARTMENT AND THE DIVISION OF STATE POLICE.

12 5. THE SUPERINTENDENT OF THE STATE POLICE SHALL DEVELOP PROTOCOLS AND
13 IMPLEMENT TRAINING TO ENSURE THE SAFETY OF ALL DEPARTMENT EMPLOYEES AND
14 CUSTOMERS. SUCH PROTOCOLS AND TRAINING SHALL INCLUDE, BUT ARE NOT LIMIT-
15 ED TO, PROCEDURES FOR THE EXECUTION OF A WARRANT BY LAW ENFORCEMENT
16 AGENTS WHEN A MATCH RESULTS FROM INFORMATION YIELDED BY AN IN-PERSON
17 TRANSACTION.

18 S 2. Within twelve months of the effective date of this act, the
19 commissioner of the department of motor vehicles shall implement the
20 interface described in section one of this act and shall promulgate all
21 rules and regulations he or she deems necessary to implement the utili-
22 zation of the interface.

23 S 3. This act shall take effect immediately.