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

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2011-2012 Regular Sessions

I N A S S E M B L Y

February 15, 2011

Introduced by M. of A. HOOPER -- Multi-Sponsored by -- M. of A. CLARK, CYMBROWITZ, P. RIVERA, ROBINSON, SCHIMEL, SWEENEY, TOWNS -- read once and referred to the Committee on Ways and Means

AN ACT to establish a street level narcotics enforcement program; and making appropriations therefor

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

Section 1. Legislative findings. The legislature finds that despite the efforts of law enforcement agencies to control illegal trafficking in narcotics in this state, the prevalence of narcotics sales and use, and the incidence of violent and property crimes directly related to the narcotics trade remains a serious public safety problem. The legislature further finds that state and federal resources devoted to this problem have primarily been concentrated on efforts to arrest and prosecute large-scale narcotics sellers and manufacturers, and to interdict narcotics entering the state. This concentration of effort has left few resources available to assist a certain class of communities which continue to experience severe problems with narcotics sales and use on street corners and in buildings, often abandoned ones, where illegal activities can take place out of the view of the police and public. The legislature concludes that the establishment of a street level narcotics enforcement program is necessary to provide additional resources to certain communities of this state whose quality of life is seriously marred by street level narcotics, but whose local fiscal resources are insufficient to support a suitable law enforcement response to this threat.

S 2. a. The division of criminal justice services shall provide aid, within the amounts appropriated therefor, to counties not wholly contained within a city and having a population in excess of one million and to villages within such counties having populations less than fifty thousand for the purposes of combating street level narcotics traffick-

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

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ing or other offenses related to the sale and use of narcotics. Each county shall be eligible for an amount of aid which is allocated in proportion to such county's population in relation to the total population of all eligible counties as established by the nineteen hundred eighty federal census. Each incorporated village shall be eligible for an amount of aid which is allocated in proportion to such incorporated village's population in relation to the total population of all eligible incorporated villages as established by the nineteen hundred eighty federal census.

b. Each eligible county and incorporated village shall file with the commissioner of the division of criminal justice services an expenditure plan detailing the uses of its allocation and shall receive approval of such plan prior to receiving any funds pursuant to this act.

c. Approved uses for funds distributed pursuant to this section shall include, but shall not be limited to, employment of police officers for the primary purpose of enforcing narcotics laws; payment of fringe benefits accompanying the employment of such officers; the purchase or lease of equipment, including automobiles, to be used in narcotics enforcement; and discretionary payments, including the purchase of controlled substances deemed necessary in the investigation of narcotics crimes.

d. Any county or incorporated village receiving funds pursuant to this section which does not maintain its own police department or which wishes to augment the resources of its police department may contract with one or more municipal or county law enforcement agencies which have jurisdiction within the boundaries of such county or incorporated village to carry out the provisions of the expenditure plan. The provisions of such contracts shall be disclosed in the expenditure plan.

e. The division of state police shall provide centralized narcotics enforcement training for police officers employed by or under contract with eligible counties or incorporated villages pursuant to this section.

S 3. a. The division of criminal justice services shall provide grants to counties and incorporated villages eligible for aid pursuant to section two of this act for the purpose of creating demonstration projects in counties and incorporated villages which display a comprehensive approach to combating street level narcotics trafficking.

b. Applications for grants pursuant to subdivision a of this section must describe a particular portion or portions of the community in which street level narcotics trafficking is a serious problem, and must propose an approach to solving the problem which contains elements such as more frequent uniformed police patrols, the use of police foot patrols, the interdiction of movement in stolen goods, the securing or demolition of abandoned buildings, enforcement of housing codes and organizing of neighborhood crime prevention groups.

c. The commissioner of the division of criminal justice services shall design and conduct evaluations of any programs funded with demonstration grants, with an emphasis on determining if the programs are suitable to be designated as street level narcotics trafficking enforcement models for all law enforcement agencies of the state.

S 4. The sum of forty-one million dollars ($41,000,000), or so much thereof as may be necessary, is hereby appropriated to the division of criminal justice services out of any moneys in the state treasury in the general fund to the credit of the local assistance account, not otherwise appropriated, and made immediately available, for the purposes of providing aid to eligible counties and incorporated villages to combat street level narcotics trafficking pursuant to subdivision a of section

two of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of the division of criminal justice services in the manner prescribed by law.

S 5. The sum of three million dollars ($3,000,000), or so much thereof as may be necessary, is hereby appropriated to the division of criminal justice services out of any moneys in the state treasury in the general fund to the credit of the local assistance account, not otherwise appropriated, and made immediately available, for the purposes of carrying out the provisions of section three of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of the division of criminal justice services in the manner prescribed by law.

S 6. The sum of five hundred thousand dollars ($500,000), or so much thereof as may be necessary, is hereby appropriated to the division of state police out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of subdivision e of section two of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the superintendent of the division of state police in the manner prescribed by law.

S 7. This act shall take effect immediately.