

2412

2011-2012 Regular Sessions

I N S E N A T E

January 20, 2011

Introduced by Sens. PERKINS, DUANE, HASSELL-THOMPSON, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to the creation of the council on bias-related violence

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

1 Section 1. The executive law is amended by adding a new article 19-M
2 to read as follows:

3 ARTICLE 19-M

4 GOVERNOR'S ADVISORY COUNCIL

5 ON BIAS-RELATED VIOLENCE

6 SECTION 549-X. GOVERNOR'S ADVISORY COUNCIL ON BIAS-RELATED VIOLENCE.

7 549-Y. GENERAL POWERS AND DUTIES OF THE COUNCIL.

8 549-Z. ASSISTANCE OF OTHER AGENCIES.

9 S 549-X. GOVERNOR'S ADVISORY COUNCIL ON BIAS-RELATED VIOLENCE. 1.
10 THERE IS HEREBY ESTABLISHED WITHIN THE EXECUTIVE DEPARTMENT A GOVERNOR'S
11 ADVISORY COUNCIL ON BIAS-RELATED VIOLENCE. THE COUNCIL SHALL CONSIST OF
12 TWENTY MEMBERS, BROADLY REPRESENTATIVE OF THE VARIOUS GROUPS IN SOCIETY
13 WHICH HAVE HISTORICALLY BEEN THE TARGETS OF BIAS-RELATED VIOLENCE AND OF
14 CLERGY, TO BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF
15 THE SENATE, FROM AMONG PRIVATE CITIZENS. IN MAKING SUCH APPOINTMENTS,
16 DUE CONSIDERATION SHALL BE GIVEN TO THE RECOMMENDATIONS MADE BY REPRESENTATIVE CIVIC, EDUCATIONAL, LEGAL AND ADVOCACY GROUPS AND ASSOCIATIONS
17 CONCERNED WITH OR OTHERWISE ENGAGED IN THE REPRESENTATION OF INTERESTS
18 OF PERSONS WHO HAVE BEEN THE TARGETS OF BIAS-RELATED VIOLENCE. IN ADDITION,
19 THE ATTORNEY GENERAL, THE COMMISSIONER OF THE DIVISION OF CRIMINAL
20 JUSTICE SERVICES AND THE COMMISSIONER OF THE DIVISION OF HUMAN RIGHTS
21 SHALL BE EX-OFFICIO MEMBERS OF THE COUNCIL.

22 2. THE TERM OF OFFICE OF EACH MEMBER OF THE COUNCIL SHALL BE FOR TWO
23 YEARS. VACANCIES IN THE COUNCIL OCCURRING OTHERWISE THAN BY EXPIRATION
24

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

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1 OF TERM SHALL BE FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS
2 ORIGINAL APPOINTMENTS. THE GOVERNOR SHALL DESIGNATE A CHAIRPERSON AND A
3 VICE-CHAIRPERSON TO SERVE AS SUCH AT THE PLEASURE OF THE GOVERNOR.

4 3. THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR
5 SERVICES, BUT SHALL BE REIMBURSED FOR ALL EXPENSES ACTUALLY AND NECES-
6 SARILY INCURRED BY THEM IN THE PERFORMANCE OF THEIR DUTIES HEREUNDER
7 WITHIN THE AMOUNT MADE AVAILABLE BY APPROPRIATION THEREFOR.

8 4. THE CHAIRPERSON MAY APPOINT AN EXECUTIVE DIRECTOR AND SUCH EXPERTS
9 AND EMPLOYEES AS HE OR SHE MAY DEEM NECESSARY, PRESCRIBE THEIR DUTIES,
10 FIX THEIR COMPENSATION AND PROVIDE FOR REIMBURSEMENT OF THEIR EXPENSES
11 WITHIN AMOUNTS AVAILABLE THEREFOR BY APPROPRIATION.

12 S 549-Y. GENERAL POWERS AND DUTIES OF THE COUNCIL. THE COUNCIL SHALL
13 HAVE THE FOLLOWING POWERS AND DUTIES:

14 1. TO RECEIVE INFORMATION WITH RESPECT TO, AND TO STUDY AND ANALYZE,
15 INCIDENTS OF VIOLENCE THAT APPEAR TO BE BIAS-RELATED, AND TO EXAMINE THE
16 ELEMENTS OF SUCH INCIDENTS TO IDENTIFY THOSE FACTORS THAT ARE CONSIST-
17 ENTLY ASSOCIATED WITH SUCH VIOLENCE;

18 2. TO IDENTIFY AND ANALYZE THE RESPONSES TO INCIDENTS OF BIAS-RELATED
19 VIOLENCE MADE BY GOVERNMENTAL OFFICIALS, INCLUDING LAW ENFORCEMENT OFFI-
20 CIALS AND PROSECUTORS, AND TO DETERMINE WHETHER SUCH RESPONSES ARE BASED
21 ON APPROPRIATE POLICIES AND PROCEDURES;

22 3. TO CONDUCT PUBLIC HEARINGS AS MAY BE NECESSARY TO CARRY OUT ITS
23 FUNCTIONS HEREUNDER; AND

24 4. TO MAKE RECOMMENDATIONS WITH RESPECT TO THE FOLLOWING:

25 A. EDUCATIONAL PROGRAMS TO TEACH CHILDREN THE VALUE OF TOLERANCE FOR
26 OTHERS;

27 B. TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICIALS AND PROSECUTORS TO
28 SENSITIZE THEM TO THE SPECIAL NATURE OF BIAS-RELATED CRIME AND TO
29 ENCOURAGE THEM TO RECOGNIZE ITS EXISTENCE AND TO DEVELOP APPROPRIATE
30 RESPONSES;

31 C. THE APPROPRIATENESS AND EFFECTIVENESS OF EXISTING CIVIL AND CRIMI-
32 NAL LAWS IN REDRESSING BIAS-RELATED VIOLENCE AND ANY CHANGES THAT SHOULD
33 BE MADE IN SUCH LAWS; AND

34 D. SUCH OTHER MATTERS AS MAY BE DEEMED APPROPRIATE BY THE COUNCIL
35 AFTER CONSULTATION WITH INVOLVED PARTIES.

36 S 549-Z. ASSISTANCE OF OTHER AGENCIES. TO EFFECTUATE THE PURPOSES OF
37 THIS ARTICLE, THE GOVERNOR'S ADVISORY COUNCIL ON BIAS-RELATED VIOLENCE
38 MAY REQUEST FROM ANY DEPARTMENT, BOARD, BUREAU, COMMISSION OR OTHER
39 AGENCY OF THE STATE, AND THE SAME ARE AUTHORIZED TO PROVIDE, SUCH
40 ASSISTANCE, SERVICES AND DATA AS WILL ENABLE THE COUNCIL PROPERLY TO
41 CARRY OUT ITS POWERS AND DUTIES HEREUNDER.

42 S 2. This act shall take effect immediately.