STATE OF NEW YORK

4798--C

2017-2018 Regular Sessions

IN ASSEMBLY

February 3, 2017

Introduced by M. of A. L. ROSENTHAL, MAYER, GOTTFRIED, ABINANTI, JAFFEE, HARRIS, HOOPER, WEPRIN -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law and the state finance law, in relation to establishing a municipal gun tip hotline and municipal gun tip hotline fund

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal law is amended by adding a new section 400.15 to read as follows:

§ 400.15 Municipal gun tip hotline program.

1. For purposes of this section, the following terms shall have the following meanings:

(a) "Agency" means the police force or department of any county, city, town, or village or a county sheriff.

(b) "Municipal gun tip hotline program" means any program in which a fully functioning illegal firearm, rifle, shotgun or ammunition may be reported or surrendered to an agency pursuant to this section.

(c) "Superintendent" means the superintendent of the division of state police.

(d) "Secretary" means the secretary of the department of state.

2. The municipal gun tip hotline program is hereby established. Agencies may participate at their option as funds are allocated through the municipal gun tip hotline fund established under section ninety-seven-cc of the state finance law.

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

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3. The division of state police, in conjunction with the department of state shall administer this program and promulgate any rules and regulations the superintendent deems necessary for the implementation of this program. Such rules may include:

(a) guidelines for an agency participating in the program to coordinate with community groups within its jurisdiction. Such guidelines shall include, but not be limited to:

(i) allowing individuals to anonymously report or turn in illegal fully functioning guns and then collect a five hundred dollar reward;

(ii) all calls are anonymous and no arrest or conviction is required for the caller to receive the reward; and

(iii) individuals with information about the location of fully functioning illegal guns or who wish to turn in such firearms shall make two phone calls to the anonymous tip hotline established by the agency. During the initial phone conversation in which the caller provides information about the illegal firearm, the caller receives a confidential identification number and is instructed to call back at a later date. During the second phone call, the caller uses the identification number to check whether an illegal firearm was recovered as a result of the initial call and, if so, the caller is provided a second identification number and instructed to communicate with a specific bank to collect the reward of five hundred dollars;

(b) the manner in which an agency may apply for funds to support a municipal gun tip hotline program and the manner in which the funds will be allocated and distributed;

(c) guidelines for the safe storage and disposal of recovered firearms, rifles, shotguns, or ammunition in the possession of the participating agency, return of any recovered stolen property to its rightful owner as appropriate, and retention for evidence of any firearm, rifle, or shotgun determined to have been used in a crime; and

(d) provisions for checking the serial number of every firearm, rifle, or shotgun obtained by such gun buyback program against the New York Statewide Police Information Network records.

4. Any person participating in a municipal gun tip hotline program pursuant to this section shall be immune from criminal prosecution for the criminal offenses established by sections 265.01, 265.02, 265.03, and 265.05 of this chapter, provided the person is, in good faith, acting to surrender a firearm through the program.

5. Any police agency shall be authorized to develop and implement its own municipal gun tip hotline program provided it is otherwise permitted by law and conforms to the rules outlined in subdivision three of this section.

§ 2. The state finance law is amended by adding a new section 97-cc to read as follows:

§ 97-cc. Municipal gun tip hotline fund. 1. There is hereby established, in the joint custody of the superintendent of state police and the secretary of state a fund to be known as the municipal gun tip hotline fund.

2. The superintendent and the secretary shall promulgate rules and regulations for the implementation and distribution of this fund to assist municipalities in the municipal gun tip hotline program established under section 400.15 of the penal law. Such rules and regulations shall authorize police agencies that develop and implement their own plans pursuant to subdivision five of section 400.15 of the penal law to be eligible to participate in the municipal gun tip hotline fund,

provided the superintendent of state police authorizes participation in the fund.

3. Funding may be allocated from the general fund or acquired through donations from private businesses, charities and individuals or from assets, seizures and forfeitures collected by the agencies.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.