

# STATE OF NEW YORK

4363

2017-2018 Regular Sessions

## IN SENATE

February 10, 2017

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

AN ACT to amend the education law and the state finance law, in relation to creating a firearm violence research institute; and making an appropriation therefor

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

1 Section 1. The education law is amended by adding a new section 239-c  
2 to read as follows:

3 § 239-c. New York state firearm violence research institute. 1.  
4 Institute formation and goals. The New York state firearm violence  
5 research institute, hereinafter the "institute", is hereby created with-  
6 in the university. The purposes of the institute shall include:

7 (a) advising the governor, governmental agencies, the regents, and the  
8 legislature on matters relating to firearm violence in New York state;

9 (b) fostering, pursuing and sponsoring collaborative firearm violence  
10 research;

11 (c) increasing understanding by establishing and reporting on what is  
12 known and what is not known about firearm violence of the state;

13 (d) identifying priority needs for firearm violence research and  
14 inventory work within New York that currently are not receiving adequate  
15 attention, and identifying public or private entities that are best  
16 situated to address such needs, thereby leading to better coordination  
17 of firearm violence research efforts in the state;

18 (e) promoting awareness of existing and new sources of firearm  
19 violence information and firearm violence while educating elected offi-  
20 cial, governmental agencies, and the general public on firearm violence  
21 issues through such means as it may determine;

22 (f) organizing and sponsoring meetings on firearm violence topics;

23 (g) encouraging the establishment of networks of collaborating experts  
24 engaged in related aspects of firearm violence research;

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

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1 (h) raising sensitivity to firearm violence concerns among state and  
2 local government agencies, and serving as a forum for enhanced intera-  
3 gency information sharing and cooperation;

4 (i) recommending priority activities for funding through the firearm  
5 violence research fund, created pursuant to section ninety-seven-j of  
6 the state finance law;

7 (j) working on a continuing basis with policymakers in the legislature  
8 and state agencies to identify, implement, and evaluate innovative  
9 firearm violence prevention policies and programs;

10 (k) recruiting and providing specialized training opportunities for  
11 new researchers, including experienced investigators in related fields  
12 who are beginning work on firearm violence, young investigators who have  
13 completed their education, postdoctoral scholars, doctoral students, and  
14 undergraduates;

15 (l) supplementing its own research by administering a small grants  
16 program for research on firearm violence, funded through a research  
17 account in the firearm violence research fund pursuant to section nine-  
18 ty-seven-j of the state finance law. All research funds shall be awarded  
19 on the basis of scientific merit as determined by an open, competitive  
20 peer review process that assures objectivity, consistency, and high  
21 quality. All qualified investigators, regardless of institutional affil-  
22 iation, shall have equal access and opportunity to compete for the funds  
23 in such research account. The institute shall require the use of a  
24 rigorous peer review process for the selection of grants awarded under  
25 this program and shall be modeled after the process used by the national  
26 institutes of health in its grantmaking process; and

27 (m) providing copies of their research publications to the legislature  
28 and to agencies supplying data used in the conduct of such research as  
29 soon as is practicable following publication.

30 2. Research. The institute shall foster, pursue, and sponsor basic,  
31 translational, and transformative research, field studies, and all other  
32 such activities to research:

33 (a) the nature of firearm violence, including individual and societal  
34 determinants of risk for involvement in firearm violence, whether as a  
35 victim or a perpetrator;

36 (b) the individual, community, and societal consequences of firearm  
37 violence;

38 (c) the prevention and treatment of firearm violence at the individ-  
39 ual, community, and societal levels; and

40 (d) the effectiveness of existing laws and policies intended to reduce  
41 firearm violence, including the criminal misuse of firearms, and efforts  
42 to promote the responsible ownership and use of firearms.

43 3. Education and information transfer programs. The institute shall  
44 foster the collection, transfer, and application of firearm violence  
45 information in the state by:

46 (a) fostering access, compatibility, interchange, and synthesis of  
47 data about firearm violence maintained by public entities, academic and  
48 research institutions, and private organizations;

49 (b) employing advanced technology to coordinate for ease of use of the  
50 scattered firearm violence resources of the state; and

51 (c) supporting the preparation and publication of interpretative works  
52 that draw upon firearm violence resources.

53 4. Quinquennial reports. The institute shall prepare and submit a  
54 report on or before January first, two thousand eighteen and every five  
55 years thereafter to the governor and the legislature describing programs  
56 undertaken or sponsored by the institute, the status of knowledge

1 regarding the state's firearm violence, and research needs related ther-  
2 eto.

3 5. Executive committee. The institute shall be guided by an executive  
4 committee. Members of the committee shall be from varying backgrounds  
5 with members selected from the scientific community, academic community,  
6 as well as from government service. Such committee shall consist of  
7 seventeen members including the commissioner, the commissioner of crimi-  
8 nal justice services, the commissioner of health, the chancellor of the  
9 university or their designees, seven at large members appointed by the  
10 governor, one of whom shall be chairperson, two members appointed by the  
11 temporary president of the senate, one member appointed by the minority  
12 leader of the senate, two members appointed by the speaker of the assem-  
13 bly and one member appointed by the minority leader of the assembly.  
14 Appointed members shall serve for a term of three years, provided that  
15 such members may be reappointed. The executive committee shall:

16 (a) adopt policies, procedures, and criteria governing the programs  
17 and operations of the institute;

18 (b) recommend to the governor and legislature appropriate actions to  
19 deal with firearm violence within the state;

20 (c) develop and implement the research, education and information  
21 transfer programs of the institute;

22 (d) identify and rate proposals for firearm violence research;

23 (e) submit to the director of the budget, and the chairpersons of the  
24 senate finance committee and the assembly ways and means committee on  
25 the first day of October, two thousand seventeen and on or before August  
26 first each year thereafter, a budget request for the expenditure of  
27 funds available from the firearm violence research fund, for the  
28 purposes established by section ninety-seven-j of the state finance law;  
29 and

30 (f) meet publicly at least twice a year. The committee shall widely  
31 disseminate notice of its meetings at least two weeks prior to each  
32 meeting. The commissioners on the executive committee and the chancellor  
33 of the university shall aid in such dissemination.

34 6. Scientific working group. The executive committee shall appoint a  
35 scientific working group composed of not more than fifteen individuals  
36 representing governmental agencies, academic or research institutions,  
37 educational organizations, the firearm industry and related non-profit  
38 organizations. Members of the scientific working group shall have know-  
39 ledge and expertise in firearm violence research and shall serve for a  
40 term of three years, provided, however that members may be reappointed  
41 for more than one term at the discretion of the executive committee. The  
42 scientific working group shall make recommendations to the executive  
43 committee with respect to:

44 (a) the identification of priority firearm violence research needs in  
45 the state;

46 (b) the development and implementation of the institute's research,  
47 education, and information transfer programs;

48 (c) the allocation and expenditure of funds from the firearm violence  
49 research fund created pursuant to section ninety-seven-j of the state  
50 finance law; and

51 (d) identification and rating of proposals for firearm violence  
52 research.

53 7. Institute director. The institute shall have a director who shall  
54 be appointed by the executive committee and shall after appointment be  
55 an employee of the state university. The institute director shall serve  
56 at the pleasure of the executive committee. The institute director shall

1 serve as chief administrative officer of the institute and provide the  
2 necessary support for the executive committee.

3 8. Compensation. The members of the executive committee and the scien-  
4 tific working group shall serve without additional compensation, but  
5 shall be eligible to receive reimbursement for their actual and neces-  
6 sary expenses from the firearm violence research fund established by  
7 section ninety-seven-j of the state finance law, provided however,  
8 members of the executive committee representing state agencies may  
9 receive reimbursement for their actual and necessary expenses from their  
10 respective agencies. Members of the executive committee and scientific  
11 working group shall be considered state employees for the purposes of  
12 sections seventeen and nineteen of the public officers law.

13 9. Memorandum of understanding. The department, the department of  
14 health, the department of motor vehicles, and the division of criminal  
15 justice services shall enter into a written memorandum of understanding  
16 to facilitate the appropriate implementation of the firearm violence  
17 research institute and the goals, responsibilities, and programs estab-  
18 lished by this section.

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

21 § 97-j. Firearm violence research fund. 1. There is hereby established  
22 in the joint custody of the state comptroller and the commissioner of  
23 taxation and finance a fund to be known as the firearm violence research  
24 fund.

25 2. The firearm violence research fund shall consist of all moneys  
26 credited or transferred thereto from any other fund or source, including  
27 any federal, state, or private funds, pursuant to law for the purposes  
28 of firearm violence research.

29 3. Moneys in the firearm violence research fund may be invested by the  
30 comptroller pursuant to section ninety-eight-a of this article, and any  
31 income received by the comptroller shall be used for the purposes of  
32 such fund.

33 4. The moneys held in or credited to the fund shall be expended for  
34 the purposes set forth in this section, and may not be interchanged or  
35 commingled with any other account or fund but may be commingled with any  
36 other fund or account for investment purposes.

37 5. Moneys in the firearm violence research fund, following appropri-  
38 ation by the legislature, shall be available to the New York firearm  
39 violence research institute for firearm violence research, education,  
40 and information transfer programs as set forth in section two hundred  
41 thirty-nine-c of the education law.

42 § 3. The sum of two million dollars (\$2,000,000), or so much thereof  
43 may be necessary, is hereby appropriated to the firearm violence  
44 research fund out of any moneys in the state treasury in the general  
45 fund, for administration of the New York state firearm violence research  
46 institute.

47 § 4. This act shall take effect on the ninetieth day after it shall  
48 have become a law; provided, however, that effective immediately, the  
49 action, amendment and/or repeal of any rule or regulation necessary for  
50 the implementation of this act on its effective date is authorized and  
51 directed to be made and completed by the commissioner of education on or  
52 before such effective date.