

STATE OF NEW YORK

7953

2019-2020 Regular Sessions

IN ASSEMBLY

May 29, 2019

Introduced by M. of A. RAMOS -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to establishing gang courts; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Findings. The legislature hereby finds and declares that
2 the growth of criminal gang activities have created a public safety
3 crisis and social disorder in many communities across our state. To this
4 point, our system of justice has failed to successfully deter the spread
5 of this criminality. Whether it is the distribution and sale of
6 controlled substances, street crime, gun violence, prostitution or
7 simply the climate of fear, intimidation, and disorder that poison our
8 neighborhoods, many afflicted localities appear to be under siege. To
9 address this problem, the state should be flexible and seek integrated
10 ways of employing the resources of our judicial and criminal justice
11 system and other state and local entities.

12 Based on the foregoing findings the legislature hereby declares that
13 the New York unified court system should be empowered to establish a
14 gang court pilot program within available appropriations, to help
15 address these broad based issues. The legislature contemplates that the
16 program authorized in this act may consist of three special gang courts,
17 one in the county of Orange, one in the county of Nassau, and one in the
18 county of Suffolk, to hear and determine gang related criminal cases,
19 properly venued in compliance with the criminal procedure law, from
20 within each respective county, commencing no later than January first,
21 two thousand twenty and continuing, at least, until January first, two
22 thousand twenty-five.

23 The legislature declares that the resources necessary for these
24 special gang parts of the courts of Orange county, the courts of Nassau
25 county, and the courts of Suffolk county can be made available only
26 through a combination of federal funds from the law enforcement assist-

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

LBD07463-02-9

1 ance administration of the United States department of justice, and
2 state and local funds, services and facilities.

3 § 2. The judiciary law is amended by adding a new article 5-C to read
4 as follows:

5 ARTICLE 5-C

6 GANG COURT PILOT PROGRAM

7 Section 178. Special gang parts; establishment.

8 178-a. Transfer of cases to special gang parts.

9 178-b. Procedure in a special gang part.

10 § 178. Special gang parts; establishment. 1. There may be established
11 in the courts of Orange county, the courts of Nassau county, and the
12 courts of Suffolk county special gang parts in such numbers and at such
13 locations as shall be designated by the chief administrator of the
14 courts, by administrative order, to effectuate the purposes of this
15 article subject to availability of adequate funding within money appro-
16 priated within a given fiscal year. Such parts shall hear and determine
17 gang related criminal cases assigned thereto from any court within such
18 counties.

19 2. The chief administrator for the courts, in consultation with all
20 appropriate state and county agencies, may request that all currently
21 available resources be made available to the special gang court parts
22 and authorize these special parts to develop and implement new programs
23 as deemed necessary to further the administration of justice.

24 For purposes of this article, "criminal gang" is defined as a group of
25 three or more persons who, through the organization, formation, and
26 establishment of an assemblage, share a common identity and, whose
27 members, as a core undertaking of their group, actively engage in crimi-
28 nal conduct in violation of the penal law.

29 § 178-a. Transfer of cases to special gang parts. Notwithstanding any
30 other provision of law, upon or after arraignment on an accusatory
31 instrument charging a criminal offense committed by a member of a crimi-
32 nal gang as part of, or in the course of such illegal activities and
33 conduct in which such gang is purportedly engaging filed in a criminal
34 court within Orange county, within Nassau county, or within Suffolk
35 county and before entry of a plea of guilty or commencement of trial,
36 such court may order that the accusatory instrument and action be
37 assigned to the respective special gang part of the Orange county,
38 Nassau county, or Suffolk county court systems.

39 § 178-b. Procedure in a special gang part. The trial of any accusatory
40 instrument in a special gang part shall for all purposes be deemed to be
41 a trial, like any other criminal proceeding conducted in Orange county,
42 Nassau county, and Suffolk county respectively, in which the accusatory
43 instrument was filed, but the chief administrator of the courts may
44 promulgate rules, orders or regulations to be applicable to such parts
45 in place and instead of the rules, orders or regulations applicable to
46 courts in the county where the indictment was filed. The chief adminis-
47 trator shall provide by rule, order or regulation for at least the
48 following matters: the procedure of the part; its auxiliary services;
49 the assignment of judicial personnel; the appointment of terms; and
50 transmittal of all papers in the action, including all undertakings for
51 appearances of the defendant and of the witnesses, to the part of the
52 supreme court to which the action has been assigned consistent with the
53 criminal procedure law.

54 § 3. This act shall take effect on the first of January next succeed-
55 ing the date on which it shall have become a law and shall expire and be
56 deemed repealed 5 years after such effective date.