## 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:

Findings. The legislature hereby finds and declares that 1 Section 1. 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 controlled substances, street crime, gun violence, prostitution or simply the climate of fear, intimidation, and disorder that poison our 6 7 neighborhoods, many afflicted localities appear to be under siege. To 8 9 address this problem, the state should be flexible and seek integrated 10 ways of employing the resources of our judicial and criminal justice system and other state and local entities. 11

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 program authorized in this act may consist of three special gang courts, 16 one in the county of Orange, one in the county of Nassau, and one in the 17 county of Suffolk, to hear and determine gang related criminal cases, 18 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.

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

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

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| <ul> <li>state and local funds, services and facilities.</li> <li>S 2. The judiciary law is amended by adding a new article 5-C to read         as follows:</li></ul>  | 1 | ance administration of the United States department of justice, and |
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| 4 as follows:         ARTICLE 5-C           GANG COURT PILOT PROGRAM           7 Section 178.         Special gang parts: establishment.           178-a. Transfer of cases to special gang parts.           178.         Special gang parts: establishment.           178.         Transfer of cases to special gang parts.           178.         Special gang parts: establishment.           178.         Special gang gang cases           178.         Special gang gang cases           178.         Special gang gan   |   | state and local funds, services and facilities.                     |
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| 6         GANG COURT FILOT PROGRAM           Secial gang parts; establishment.         178-a. Transfer of cases to special gang parts.           178.b. Procedure in a special gang gang and special gang parts.         178.b. Procedure in a special gang gang and special gang parts in such numbers and at such           10.s. Special gang parts; establishment.         1. There may be established           11. the courts of Orange county, the courts of Nassau county, and the         courts of Suffolk county special gang parts in such numbers and at such           10.cations as shall be desimated by the chief administrator of the         courts. by administrative order, to effectuate the purposes of this           11.a. subject to availability of adequate funding within money appropristic subject to availability of adequate funding within money appropriate state and county agencies, may request that all currently           2. The chief administrator for the courts. in consultation with all         appropriate state and county agencies, may request that all currently           2. The chief administrator for the courts.         filed find as a group of           3. admenter state and county agencies, may request that all currently         available resources be made available to the special gang court and whose           3. The chief administrator for the courts.         filed find as a group of           3. threas a core undertaking of their group, actively engage in criminal and conduct in violation of the penal law.         filed in acrimina           3. Thea. Transfer of cases to special g   |   |   |
| <ul> <li>Section 178. Special gang parts: establishment.</li> <li>178-b. Frocedure in a special gang parts.</li> <li>178-b. Procedure in a special gang parts.</li> <li>\$178. Special gang parts: establishment. 1. There may be established</li> <li>in the courts of Orange county, the courts of Nasau county, and the</li> <li>courts of Suffolk county special gang parts in such numbers and at such</li> <li>locations as shall be designated by the chief administrator of the</li> <li>courts, by administrative order, to effectuate the purposes of this</li> <li>article sublect to availability of adeguate funding within money appropriate</li> <li>priated within a given fiscal year. Such parts shall hear and determing</li> <li>gang related criminal cases assigned thereto from any court within such</li> <li>courts.</li> <li>2. The chief administrator for the courts, in consultation with all</li> <li>appropriate state and county agencies, may request that all currently</li> <li>available resources be made available to the special gang court parts</li> <li>and authorize these special parts to develop and implement new programs</li> <li>as deemed necessary to further the administration of iustice.</li> <li>For purposes of this article, "oriminal gang" is defined as a group of</li> <li>there or more persons who, through the organization, formation, and</li> <li>establishment of an assemblage, share a common identity and, whose</li> <li>members, as a core undertaking of their group, actively engage in criminal</li> <li>court within Orange county, within Nassau county, or within suffolk</li> <li>county and before entry of a plea of guilty or commencement of trial,</li> <li>and ang as part of, or in the courts work instrument and activities and</li> <li>court within Orange county, within Nassau county, or within Suffolk</li> <li>county and before entry of a plea of guilty or commencement of trial,</li> <li>subschedure in a special gang part of the Orange county.</li> <li>Nassau county, on Suffolk county respectively, in which the a</li></ul>  |   |   |
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| <ul> <li>9 178-b. Procedure in a special gang parts.</li> <li>§ 178. Special gang parts; establishment. 1. There may be established</li> <li>1 the courts of Orange county, the courts of Nassau county, and the courts of Suffolk county special gang parts in such numbers and at such</li> <li>1 locations as shall be designated by the chief administrator of the</li> <li>1 courts, by administrative order, to effectuate the purposes of this</li> <li>article sublect to availability of adequate funding within money appro-</li> <li>priated within a given fiscal year. Such parts shall hear and determine</li> <li>gang related criminal cases assigned thereto from any court within such</li> <li>courties.</li> <li>2. The chief administrator for the courts, in consultation with all</li> <li>apporriate state and county agencies, may request that all currently</li> <li>available resources be made available to the special gang court parts</li> <li>and authorize these special parts to develop and implement new programs</li> <li>as deemed necessary to further the administration of justice.</li> <li>For purposes of this article, "criminal gang" is defined as a group of</li> <li>three or more persons who, through the organization, formation, and</li> <li>establishment of an assemblage, share a common identity and, whose</li> <li>members, as a core undertaking of their group, actively engage in criminal</li> <li>nal conduct in violation of the penal law.</li> <li>§ 178-a. Transfer of cases to special gang parts. Notwithstanding any</li> <li>other provision of law, upon or after arraignment on an accusatory</li> <li>instrument charging a criminal offense committed by a member of a criminal</li> <li>court which such gang is purportedly engaging filed in a criminal</li> <li>court way order that the accusatory instrument and action be</li> <li>assigned to the respective special gang part of the foran ecourty,</li> <li>Nassau county, or Suffolk county respeciively, in which the accusatory</li> <li>instrument was filed, but the chief admini</li></ul>   |   |   |
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| appropriate state and county agencies, may request that all currently<br>available resources be made available to the special gang court parts<br>and authorize these special parts to develop and implement new programs<br>as deemed necessary to further the administration of justice.<br>For purposes of this article, "criminal gang" is defined as a group of<br>three or more persons who, through the organization, formation, and<br>establishment of an assemblage, share a common identity and, whose<br>members, as a core undertaking of their group, actively engage in crimi-<br>nal conduct in violation of the penal law.<br>§ 178-a. Transfer of cases to special gang parts. Notwithstanding any<br>other provision of law, upon or after arraigment on an accusatory<br>instrument charging a criminal offense committed by a member of a crimi-<br>nal gang as part of, or in the course of such illegal activities and<br>conduct in which such gang is purportedly engaging filed in a criminal<br>court within Orange county, within Nassau county, or within Suffolk<br>gounty and before entry of a plea of guilty or commencement of trial,<br>such court may order that the accusatory instrument and action be<br>assigned to the respective special gang part of the Orange county.<br>Nassau county, or Suffolk county court systems.<br>§ 178-b. Procedure in a special gang part of the Orange county.<br>Nassau county, and Suffolk county respectively, in which the accusatory<br>instrument in a special gang part shall for all purposes be deemed to be<br>a trial, like any other oriminal proceeding conducted in Orange county.<br>Nassau county, and Suffolk county respectively, in which the accusatory<br>instrument was filed, but the chief administrator of the courts may<br>promulgate rules, orders or regulations to be applicable to such parts<br>in place and instead of the rules, orders or regulation for at least the<br>following matters: the procedure or regulation for at least the<br>solut ransmittal of all papers in the action, including all undertakings for<br>appearances of the defendant and of the witnesses, to the part of the<br>sup                                    |   |   |
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