STATE OF NEW YORK

1083

2019-2020 Regular Sessions

IN SENATE

January 10, 2019

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:

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

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

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

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

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

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

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

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

(g) encouraging the establishment of networks of collaborating experts 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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(h) raising sensitivity to firearm violence concerns among state and local government agencies, and serving as a forum for enhanced interagency information sharing and cooperation;

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

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

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

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

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

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

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

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

(c) the prevention and treatment of firearm violence at the individual, community, and societal levels; and

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

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

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

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

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

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

regarding the state's firearm violence, and research needs related thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Memorandum of understanding. The department, the department of health, the department of motor vehicles, and the division of criminal justice services shall enter into a written memorandum of understanding to facilitate the appropriate implementation of the firearm violence research institute and the goals, responsibilities, and programs established by this section.

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

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

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

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

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

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

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

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