

STATE OF NEW YORK

2097

2019-2020 Regular Sessions

IN SENATE

January 22, 2019

Introduced by Sens. MAYER, BRESLIN, BROOKS, HOYLMAN, LIU -- read twice
and ordered printed, and when printed to be committed to the Committee
on Codes

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 Assem-
bly, do enact as follows:

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

3 § 400.15 Municipal gun tip hotline program.

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

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

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

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

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

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

18 3. The division of state police, in conjunction with the department of
19 state shall administer this program and promulgate any rules and regu-
20 lations the superintendent deems necessary for the implementation of
21 this program. Such rules may include:

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

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

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

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

8 (iii) individuals with information about the location of fully func-
9 tioning illegal guns or who wish to turn in such firearms shall make two
10 phone calls to the anonymous tip hotline established by the agency.
11 During the initial phone conversation in which the caller provides
12 information about the illegal firearm, the caller receives a confiden-
13 tial identification number and is instructed to call back at a later
14 date. During the second phone call, the caller uses the identification
15 number to check whether an illegal firearm was recovered as a result of
16 the initial call and, if so, the caller is provided a second identifica-
17 tion number and instructed to communicate with a specific bank to
18 collect the reward of five hundred dollars;

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

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

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

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

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

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

41 § 97-cc. Municipal gun tip hotline fund. 1. There is hereby estab-
42 lished, in the joint custody of the superintendent of state police and
43 the secretary of state a fund to be known as the municipal gun tip
44 hotline fund.

45 2. The superintendent and the secretary shall promulgate rules and
46 regulations for the implementation and distribution of this fund to
47 assist municipalities in the municipal gun tip hotline program estab-
48 lished under section 400.15 of the penal law. Such rules and regulations
49 shall authorize police agencies that develop and implement their own
50 plans pursuant to subdivision five of section 400.15 of the penal law to
51 be eligible to participate in the municipal gun tip hotline fund,
52 provided the superintendent of state police authorizes participation in
53 the fund.

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

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