

# STATE OF NEW YORK

2522

2019-2020 Regular Sessions

## IN SENATE

January 25, 2019

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

AN ACT to amend the education law and the state finance law, in relation to creating a firearm violence research institute

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. Subject to amounts available by appropri-  
5 ation, the New York state firearm violence research institute, herein-  
6 after the "institute", is hereby created within the university. The  
7 purposes of the institute shall include:

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

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

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

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

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

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

24 (g) encouraging the establishment of networks of collaborating experts  
25 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; and

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

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

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

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

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

28 (d) the effectiveness of existing laws and policies intended to reduce  
29 firearm violence, and efforts to promote the responsible ownership and  
30 use of firearms.

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

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

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

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

41 4. Quinquennial reports. The institute shall prepare and submit a  
42 report within one year of the effective date of this section and every  
43 five years thereafter to the governor and the legislature describing  
44 programs undertaken or sponsored by the institute, the status of know-  
45 ledge regarding the state's firearm violence, and research needs related  
46 thereto.

47 5. Executive committee. The institute shall be guided by an executive  
48 committee. Members of the committee shall be from varying backgrounds  
49 with members selected from the scientific community, academic community,  
50 as well as from government service. Such committee shall consist of ten  
51 members including the commissioner, the commissioner of criminal justice  
52 services, the commissioner of health, the chancellor of the university  
53 or their designees, two at large members appointed by the governor, two  
54 members appointed by the temporary president of the senate, and two  
55 members appointed by the speaker of the assembly. Appointed members

1 shall serve for a term of three years, provided that such members may be  
2 reappointed. The executive committee shall:

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

5 (b) recommend to the governor and legislature appropriate actions to  
6 reduce firearm violence within the state;

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

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

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

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

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

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

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

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

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

40 7. Institute director. The institute shall have a director who shall  
41 be appointed by the executive committee and shall after appointment be  
42 an employee of the state university. The institute director shall serve  
43 at the pleasure of the executive committee. The institute director shall  
44 serve as chief administrative officer of the institute and provide the  
45 necessary support for the executive committee.

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

1 9. Memorandum of understanding. The department, the department of  
2 health, the department of motor vehicles, and the division of criminal  
3 justice services shall enter into a written memorandum of understanding  
4 to facilitate the appropriate implementation of the firearm violence  
5 research institute and the goals, responsibilities, and programs estab-  
6 lished by this section.

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

9 § 97-j. Firearm violence research fund. 1. There is hereby established  
10 in the joint custody of the state comptroller and the commissioner of  
11 taxation and finance a fund to be known as the firearm violence research  
12 fund.

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

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

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

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

30 § 3. This act shall take effect on the ninetieth day after it shall  
31 have become a law. Effective immediately, the action, amendment and/or  
32 repeal of any rule or regulation necessary for the implementation of  
33 this act on its effective date are authorized to be made and completed  
34 by the commissioner of education on or before such effective date.