STATE OF NEW YORK

2538

2019-2020 Regular Sessions

IN SENATE

January 28, 2019

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to establishing a gang prevention coordination council

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

Section 1. The executive law is amended by adding a new section 413 to read as follows:

§ 413. Gang prevention coordination council. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

a. "Council" means the gang prevention coordination council established pursuant to this section.

b. "Gang" means an ongoing group, club, organization, or association of five or more persons which satisfies each of the following criteria, with no one criterion being sufficient to be considered a gang:

(1) One of the gang's primary purpose is the commission of one or more penal code offenses;

(2) The members of the gang engage or have engaged within the past ten years in a continuing series of penal code offenses described in, and which includes three or more individual instances of such offenses; and

(3) The gang is identifiable by at least two of the following commonalities: name of the association, sign, symbol, article of clothing, style of dress, tattoo, code word, or other marking or identifying factor.

c. "Gang activity" means actions, patterns of actions, and behavior related to a gang.

2. Membership. a. The council shall consist of:

(1) The commissioner of education, or his or her designee;

(2) The commissioner of health, or his or her designee;

(3) The commissioner of mental health, or his or her designee;

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

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(4) The commissioner of homes and community renewal, or his or her designee;

(5) The commissioner of children and family services, or his or her designee;

(6) The superintendent of New York state police, or his or her designee;

(7) The chief judge of the court of appeals, or his or her designee;

(8) One family court judge, appointed by the chief judge of the court of appeals;

(9) One criminal court judge, appointed by the chief judge of the court of appeals;

(10) One representative from a public defender agency, appointed by the governor;

(11) One district attorney, appointed by the governor;

(12) The president of the New York city housing authority, or his or her designee; and

(13) The attorney general, or his or her designee.

b. The governor shall designate the chairperson of the council in consultation with the speaker of the assembly, the minority leader of the assembly, the majority leader of the senate, and the minority leader of the senate.

3. Powers and duties. The council shall:

a. have the power to hold public hearings;

b. hold at least one hearing each year in the counties of New York, Nassau, Suffolk, Westchester, Albany, and Erie;

c. submit to the governor, the speaker of the assembly, and the majority leader of the senate, and publish on its website, an annual report on the needs and strengths of local governments in each county of the state relating to juvenile delinquency, gang activity, and gang violence prevention and intervention, provided such report shall be published no later than the first of April in each year;

d. award grants to local government agencies and not-for-profit corporations pursuant to subdivision four of this section;

e. publish guidelines for local governments to implement evidence-based practices to prevent gang activity and prevent youth from joining gangs, including but not limited to:

(1) early childhood development services;

(2) family stabilization programs;

(3) youth and adolescent development services, including job training and apprenticeship programs;

(4) health and mental health services for at risk youth;

(5) substance abuse and prevention services;

(6) programs to help youth cease engaging in criminal street gang activity, such as tattoo removal services, outreach programs, and peace-making activities;

(7) pre-release, post-release, and reentry services for incarcerated youth; and

(8) other such practices, methods, and services the council may find appropriate.

f. hire staff as the chairperson of the council may deem appropriate and subject to appropriation; and

g. inspect data relating to criminal gang activity and youth gang members from the office of children and family services, the state police, local police departments, the state education department, local school districts, and local child service agencies, or any other relevant state or local agency.

4. Gang prevention coordination grants. a. A county, city, town, village, school board, local police department, other local government agency, or not-for-profit corporation may submit to the council an application for the implementation of evidence-based practices in a particular municipality to prevent gang activity and prevent youth from joining gangs, pursuant to guidelines published by the council, by the first of January each year.

b. The council shall award grants to applicants, subject to appropriation, pursuant to an award schedule endorsed by a majority vote of the council by the first of March each year, provided:

(1) no grant shall be awarded for more than a three-year period;

(2) no individual grant shall be in excess of ten million dollars; and

(3) the council shall distribute grants in an equitable manner based on merit and the needs and strengths of each municipality.

5. Implementation. The comptroller shall have the power to audit grants awarded by the council, and shall submit to the governor, the speaker of the assembly, and the majority leader of the senate, and shall post on the comptroller's website, a report on the effectiveness of the grants in reducing the level of gang activity and preventing youth from joining gangs.

6. Audits. The commissioner of children and family services shall promulgate rules and regulations for the implementation of this section within ninety days of the effective date of this section.

§ 2. This act shall take effect immediately.