

# STATE OF NEW YORK

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775

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

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

AN ACT to establish a task force to assess the public health impact of firearm violence and injury 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:

1 Section 1. Legislative findings and intent. The legislature finds and  
2 declares that firearm injuries and deaths have reached epidemic  
3 proportions, with firearm injuries ranked among the top ten causes of  
4 death among all Americans, and as the leading cause of death among young  
5 African-American males. The legislature further finds and declares that  
6 this epidemic necessitates public policies which address firearm  
7 violence and injury as a public health issue and that one critical  
8 component of such policies is an integrated and comprehensive statewide  
9 effort to accurately document the origins, incidence and nature of  
10 firearm violence and injury in New York state.

11 The legislature also finds that dispersed and widely varied data and  
12 information related to incidents of firearm violence are presently  
13 collected by state and local law enforcement agencies; and that informa-  
14 tion and data related to the nature, severity and causes of firearm  
15 injuries are also regularly compiled by health care providers engaged in  
16 the treatment of such injuries. The legislature finds and declares that  
17 a coordinated and fully integrated statewide network of data and infor-  
18 mation is required to fully assess the public health impact of firearm  
19 violence and injury in New York state and to formulate policies to  
20 combat such violence and injury in the protection of public health.

21 The legislature hereby establishes a task force to devise a statewide  
22 network of data and information related to firearm violence and inju-  
23 ries. The task force will coordinate the integration of data compiled by

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

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1 law enforcement agencies and health care providers, related to firearm  
2 violence and injury. This task force will be comprised of appropriate  
3 state agency personnel, law enforcement authorities, health care provid-  
4 ers, and experts in the fields of epidemiology and ballistics. The task  
5 force will assess the nature and current methods by which data related  
6 to firearm violence and injury are compiled and reported by law enforce-  
7 ment agencies and health care providers. The task force shall recommend  
8 any changes in the nature or manner in which such data is compiled and  
9 reported, to facilitate an on-going, statewide assessment of the public  
10 health impact of firearm violence and injury in New York state.

11 § 2. An eight member task force is hereby established to assess  
12 current data and information compiled by law enforcement personnel and  
13 health providers related to incidents of firearm violence and injury,  
14 and to recommend mechanisms by which an integrated, statewide data  
15 collection and tracking system may be established to assess the public  
16 health impact of such violence and injury.

17 § 3. The task force shall be comprised of the commissioners of the  
18 department of health and the division of criminal justice services, who  
19 may designate representatives to act on their behalf.

20 The commissioner of the department of health or the designee thereof,  
21 shall chair the task force. The governor shall appoint two members to  
22 the task force: one member shall be an epidemiologist experienced in the  
23 study of firearm injuries and one member shall be an expert in firearm  
24 ballistics. The temporary president of the senate and the speaker of the  
25 assembly shall each appoint one member to the task force who shall be a  
26 member of a state or local law enforcement agency. The minority leaders  
27 of the senate and assembly shall each appoint one member to the task  
28 force, who shall be a health care provider regularly engaged in the  
29 treatment of firearm injuries. Administrative duties of the task force  
30 shall be the responsibility of the department of health.

31 § 4. The task force shall provide a report to the governor and the  
32 legislature on or before January 15, 2021. Such report shall include:

33 (a) an identification of the data and informational needs associated  
34 with an assessment of firearm violence and injury as an issue of public  
35 health in New York state;

36 (b) an identification of any differences among state and local law  
37 enforcement agencies in the collection and reporting of information and  
38 data related to firearm violence and injury, the basis for any such  
39 differences, and how such differences may be addressed;

40 (c) an identification of any differences among health care providers  
41 and in particular, emergency medical services providers, with regard to  
42 the collection and reporting of firearm injury data and information, the  
43 basis for such differences, and how such differences may be addressed;

44 (d) an assessment of the need for improved epidemiological data and  
45 information concerning firearm injuries, including information on the  
46 frequency and distribution of such injuries and the specific types of  
47 firearms associated with various injuries;

48 (e) an identification of any opportunities for, or barriers to, a more  
49 uniform statewide approach to the collection and reporting of data and  
50 information from both law enforcement agencies and health care provid-  
51 ers, concerning incidents of firearm violence and injury, with full and  
52 proper regard to the protection of the rights of victims of such  
53 violence and injury and the rights of criminal defendants;

54 (f) a recommendation of a state agency to assume responsibility for  
55 the planning and coordination of a statewide data and information  
56 network comprised of firearm violence and injury data as reported from

1 state and local law enforcement agencies and health care providers, and  
2 designed to be used in formulating public health strategies to deter  
3 firearm violence and injuries; and

4 (g) an identification of public health policies and strategies which  
5 may arise from a statewide data and information network on firearm  
6 violence and injuries, and focused on the prevention of such violence  
7 and injuries.

8 The task force shall meet as frequently as its business may require  
9 and members of the task force shall receive no compensation for their  
10 services, but shall be allowed their actual and necessary expenses  
11 incurred in performance of their duties.

12 § 5. This act shall take effect immediately and shall expire February  
13 1, 2021 when it shall be deemed repealed.