

STATE OF NEW YORK

3008

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. SIMON, QUART, JAFFEE, MOSLEY, ABINANTI, D'URSO, ROZIC, BLAKE, L. ROSENTHAL, GOTTFRIED, STECK, LAVINE, CARROLL, RIVERA, ORTIZ, PAULIN, O'DONNELL, VANEL, LUPARDO, AUBRY, FAHY, DE LA ROSA, ARROYO, WRIGHT, SEAWRIGHT, PICHARDO, DAVILA, WILLIAMS, GALEF, BUCHWALD, WEPRIN, HEVESI, TITUS -- Multi-Sponsored by -- M. of A. COOK, CROUCH, ENGLEBRIGHT, LENTOL -- read once and referred 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; and making an appropriation therefor

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. The New York state firearm violence
5 research institute, hereinafter the "institute", is hereby created with-
6 in the university. The purposes of the institute shall include:

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

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

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

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

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

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

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

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1 (g) encouraging the establishment of networks of collaborating experts
2 engaged in related aspects of firearm violence research;

3 (h) raising sensitivity to firearm violence concerns among state and
4 local government agencies, and serving as a forum for enhanced intera-
5 gency information sharing and cooperation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 4. Quinquennial reports. The institute shall prepare and submit a
56 report on or before January first, two thousand twenty and every five

1 years thereafter to the governor and the legislature describing programs
2 undertaken or sponsored by the institute, the status of knowledge
3 regarding the state's firearm violence, and research needs related ther-
4 eto.

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

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

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

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

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

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

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

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

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

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

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

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

55 7. Institute director. The institute shall have a director who shall
56 be appointed by the executive committee and shall after appointment be

1 an employee of the state university. The institute director shall serve
2 at the pleasure of the executive committee. The institute director shall
3 serve as chief administrative officer of the institute and provide the
4 necessary support for the executive committee.

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

15 9. Memorandum of understanding. The department, the department of
16 health, the department of motor vehicles, and the division of criminal
17 justice services shall enter into a written memorandum of understanding
18 to facilitate the appropriate implementation of the firearm violence
19 research institute and the goals, responsibilities, and programs estab-
20 lished by this section.

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

23 § 97-j. Firearm violence research fund. 1. There is hereby established
24 in the joint custody of the state comptroller and the commissioner of
25 taxation and finance a fund to be known as the firearm violence research
26 fund.

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

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

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

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

44 § 3. The sum of five million dollars (\$5,000,000), or so much thereof
45 as may be necessary, is hereby appropriated to the firearm violence
46 research fund out of any moneys in the state treasury in the general
47 fund, for administration of the New York state firearm violence research
48 institute.

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