

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:

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

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

6 a. "Council" means the gang prevention coordination council estab-
7 lished pursuant to this section.

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

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

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

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

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

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

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

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

25 (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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1 (4) The commissioner of homes and community renewal, or his or her
2 designee;

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

5 (6) The superintendent of New York state police, or his or her desig-
6 nee;

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

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

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

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

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

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

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

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

22 3. Powers and duties. The council shall:

23 a. have the power to hold public hearings;

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

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

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

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

37 (1) early childhood development services;

38 (2) family stabilization programs;

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

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

42 (5) substance abuse and prevention services;

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

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

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

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

52 g. inspect data relating to criminal gang activity and youth gang
53 members from the office of children and family services, the state
54 police, local police departments, the state education department, local
55 school districts, and local child service agencies, or any other rele-
56 vant state or local agency.

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

8 b. The council shall award grants to applicants, subject to appropri-
9 ation, pursuant to an award schedule endorsed by a majority vote of the
10 council by the first of March each year, provided:

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

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

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

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

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

24 § 2. This act shall take effect immediately.