STATE OF NEW YORK

10534

IN ASSEMBLY

July 6, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Burke) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing the office of domestic terrorism

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 709-b to read as follows:

§ 709-b. Office of domestic terrorism. 1. There is hereby established the office of domestic terrorism to monitor, analyze, investigate and combat domestic terrorism, white supremacist and neo-Nazi infiltration of government agencies. Such office shall be headed by a director appointed pursuant to section seven hundred nine of this article.

2. The director shall ensure that the office established under this section shall:

(a) have an adequate number of employees to perform the required duties;

(b) have not less than one employee dedicated to ensuring compliance with civil rights and civil liberties laws and regulations; and

(c) require that all employees undergo annual anti-bias training.

3. The office shall be responsible for investigating all levels of government employees for extreme affiliations or beliefs that may be threatening or incite violence against another person or persons in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of such person or persons, or damage to private or public property associated in whole or in substantial part with such beliefs or perceptions.

4. Nothing in this section, or any amendment made by this section, may be construed to authorize the infringement or violation of any right protected under the first amendment to the Constitution of the United States or an applicable provision of state or federal law.

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

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§ 2. Subdivisions 3, 4, 5 and 6 of section 709 of the executive law, as amended by section 1 of part N of chapter 55 of the laws of 2013, are amended to read as follows:

3. The division of homeland security and emergency services shall consist of several offices including, but not limited to, the office of counterterrorism, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in section seven hundred nine-a of this article; **the office of domestic terrorism, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in section seven hundred nine-b of this article;** the office of emergency management, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in article two-B of this chapter; the office of fire prevention and control, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in article six-C of this chapter and the office of interoperable and emergency communications, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in section seven hundred seventeen of this article.

4. As set forth in section seven hundred ten of this article, the commissioner of the division of homeland security and emergency services shall be appointed by the governor, with the advice and consent of the senate, and hold office at the pleasure of the governor. The directors of the offices of counterterrorism, **domestic terrorism,** emergency management, fire prevention and control, and interoperable and emergency communications, and such other offices as may be established, shall be appointed by, and hold office at the pleasure of, the governor and they shall report to the commissioner of the division of homeland security and emergency services.

5. The directors of the offices of counterterrorism, **domestic terrorism,** emergency management, fire prevention and control, interoperable and emergency communications, and of such other offices as may be established, shall, in consultation with the commissioner, have the authority to promulgate rules and regulations to carry out the duties of their office, including the establishment of fees necessary to compensate for costs associated with the delivery of training and services.

6. The directors of the offices of counterterrorism, **domestic terrorism,** emergency management, fire prevention and control, interoperable and emergency communications, and such other offices as may be established, shall have the authority to enter into contracts with any person, firm, corporation, municipality, or government entity.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.