

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:

1 Section 1. The executive law is amended by adding a new section 709-b
2 to read as follows:

3 § 709-b. Office of domestic terrorism. 1. There is hereby established
4 the office of domestic terrorism to monitor, analyze, investigate and
5 combat domestic terrorism, white supremacist and neo-Nazi infiltration
6 of government agencies. Such office shall be headed by a director
7 appointed pursuant to section seven hundred nine of this article.

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

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

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

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

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

24 4. Nothing in this section, or any amendment made by this section, may
25 be construed to authorize the infringement or violation of any right
26 protected under the first amendment to the Constitution of the United
27 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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1 § 2. Subdivisions 3, 4, 5 and 6 of section 709 of the executive law,
2 as amended by section 1 of part N of chapter 55 of the laws of 2013, are
3 amended to read as follows:

4 3. The division of homeland security and emergency services shall
5 consist of several offices including, but not limited to, the office of
6 counterterrorism, which shall have the powers, and be responsible for
7 carrying out the duties, including but not limited to those set forth in
8 section seven hundred nine-a of this article; the office of domestic
9 terrorism, which shall have the powers, and be responsible for carrying
10 out the duties, including but not limited to those set forth in section
11 seven hundred nine-b of this article; the office of emergency manage-
12 ment, which shall have the powers, and be responsible for carrying out
13 the duties, including but not limited to those set forth in article
14 two-B of this chapter; the office of fire prevention and control, which
15 shall have the powers, and be responsible for carrying out the duties,
16 including but not limited to those set forth in article six-C of this
17 chapter and the office of interoperable and emergency communications,
18 which shall have the powers, and be responsible for carrying out the
19 duties, including but not limited to those set forth in section seven
20 hundred seventeen of this article.

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

31 5. The directors of the offices of counterterrorism, domestic terror-
32 ism, emergency management, fire prevention and control, interoperable
33 and emergency communications, and of such other offices as may be estab-
34 lished, shall, in consultation with the commissioner, have the authority
35 to promulgate rules and regulations to carry out the duties of their
36 office, including the establishment of fees necessary to compensate for
37 costs associated with the delivery of training and services.

38 6. The directors of the offices of counterterrorism, domestic terror-
39 ism, emergency management, fire prevention and control, interoperable
40 and emergency communications, and such other offices as may be estab-
41 lished, shall have the authority to enter into contracts with any
42 person, firm, corporation, municipality, or government entity.

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