STATE OF NEW YORK

5068--A

2021-2022 Regular Sessions

IN SENATE

February 23, 2021

Introduced by Sens. SANDERS, BRISPORT, MYRIE, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to establishing the "Malcolm X unsolved civil rights crime act of 2022"; making an appropriation therefor; 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:

Section 1. Short title. This act shall be known and may be cited as the "Malcolm X unsolved civil rights crime act of 2022".

§ 2. Legislative findings and purpose. The legislature finds that all authorities with jurisdiction, including the department of law and the division of state police, should (i) expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and (ii) provide all the resources necessary to ensure timely and thorough investigations in the cases involved with such.

§ 3. The executive law is amended by adding a new section 68 to read as follows:

§ 68. Civil rights investigations. 1. The assistant attorney general of the civil rights bureau shall be responsible for investigating violations of criminal civil rights statutes that occurred not later than December thirty-first, nineteen hundred seventy-nine, and resulted in a death.

2. When investigating such complaints, the assistant attorney general may coordinate the investigative activities with state and local law enforcement officials.

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

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3. The attorney general shall annually conduct a study of the cases under the jurisdiction of the assistant attorney general of the civil rights bureau.

(a) Such study shall include:

(i) the number of open investigations within the department of law for violations of criminal civil rights statutes that occurred not later than December thirty-first, nineteen hundred seventy-nine;

(ii) the number of new cases opened pursuant to this section since the previous year's study;

(iii) the number of unsealed federal, state and local cases charged within the study period, including the case names, the jurisdiction in which the charges were brought, and the date the charges were filed;

(iv) the number of cases referred by the department of law to a state or local law enforcement agency or prosecutor within the study period, the number of such cases that resulted in state charges being filed, the jurisdiction in which such charges were filed, the date such charges were filed, and whether or not a jurisdiction declined to prosecute or participate in an investigation of a case so referred;

(v) the number of cases within the study period that were closed without federal, state, or local prosecution, the case names of unsealed federal, state and local cases, the dates such cases were closed, and the relevant federal, state and local statutes;

(vi) the number of attorneys who worked, in whole or in part, on any case that qualifies under subparagraph (ii) of this paragraph; and

(vii) the number of requests by state and local law enforcement for additional funds to investigate matters under this section in accordance with subdivision four of this section, the amount of such requests, if such requests were fulfilled and the purposes for which such requested money was expended.

(b) No later than six months after the effective date of this section and every year thereafter, the attorney general shall prepare a report with the information collected under paragraph (a) of this subdivision of this section and submit such report to the governor, the temporary president of the senate and the speaker of the assembly.

4. Out of monies appropriated to investigate and prosecute violations of criminal civil rights statutes under this section, up to one million dollars may be allocated to state and local law enforcement agencies for expenses associated with such investigations.

5. For the purposes of this section, criminal civil rights statutes shall include:

(a) section 241 of title 18 of the United States Code, relating to conspiracy against rights;

(b) section 242 of title 18 of the United States Code, relating to deprivation of rights under color of law;

(c) section 245 of title 18 of the United States Code, relating to federally protected activities;

(d) sections 1581 and 1584 of title 18 of the United States Code, relating to involuntary servitude and peonage;

(e) section 901 (42 U.S.C. 3631) of the federal Fair Housing Act of 1988; and

(f) any other federal law that (i) was in effect on or before December thirty-first, nineteen hundred seventy-nine; and (ii) the criminal section of the civil rights division of the department of justice enforced, before the effective date of this section.

§ 4. The sum of two million dollars ($2,000,000), or so much thereof as may be necessary, is hereby appropriated every fiscal year to the

department of law out of any moneys in the state treasury in the general fund to the credit of the civil rights bureau, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved.

§ 5. This act shall take effect immediately and shall expire and be deemed repealed twelve years after such date.