STATE OF NEW YORK

772

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. KAMINSKY, ADDABBO, GAUGHRAN, KAPLAN, KENNEDY -- 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 blue alert system to aid in the apprehension of any individuals suspected of killing or seriously wounding any law enforcement officer

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 two new sections 837-w and 837-x to read as follows:

§ 837-w. Blue alert system. 1. There is established within the division the blue alert system referred to in this section as the "system" which is a statewide program to aid in the identification, location and apprehension of any individual or individuals suspected of killing or seriously wounding any local, state, or federal law enforcement officer.

2. For the purposes of this section, "law enforcement officer" means any public servant having both the power and duty to make arrests for violations of the laws of the state of New York, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

3. The division shall develop regions to provide the system. The division shall coordinate with local law enforcement agencies and public commercial television and radio broadcasters to provide an effective system. In the event that a local law enforcement agency opts not to set up a system and a killing or serious wounding of a law enforcement officer occurs within the jurisdiction, it shall notify the division who will notify local media in the region.

4. The blue alert system shall include all state agencies capable of providing urgent and timely information to the public together with broadcasters and other private entities that volunteer to participate in

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

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the dissemination of urgent public information. The blue alert system shall include, but not be limited to the division, the New York state department of transportation, and the New York state lottery.

5. The division shall have the authority to notify other regions upon verification that the criteria established by the oversight committee has been met.

6. Participation in a blue alert system is entirely at the option of local law enforcement agencies and federally licensed radio and television broadcasters.

7. Any person who knowingly makes a false report that triggers an alert under this section is guilty of a class A misdemeanor.

§ 837-x. Blue alert system oversight. 1. The division shall develop criteria and procedures for the blue alert system, and shall regularly review the function of the blue alert system and revise its criteria and procedures to provide for efficient and effective public notification. As soon as practicable, the division shall adopt criteria and procedures to expand the blue alert system to provide urgent public alerts related to homeland security, criminal acts, health emergencies, and other imminent dangers to the public health and welfare.

2. The division is hereby authorized to promulgate rules and regulations for the implementation of the blue alert system.

§ 2. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 3. This act shall take effect immediately; provided, that section 837-w of the executive law, as added by section one of this act, shall take effect on the ninetieth day after it shall have become a law.