STATE OF NEW YORK

3966

2021-2022 Regular Sessions

IN ASSEMBLY

January 29, 2021

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Governmental Operations

AN ACT establishing a temporary commission to investigate the influence of outside agitators on peaceful protests; and providing for the repeal of such provisions upon the expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative intent. The legislature finds that the right to gather and peacefully protest is protected by the first amendment to the United States Constitution and should be protected from the interference of individuals or groups that seek to infringe on this right and peaceful protests. Therefore, the legislature finds an independent commission is needed to investigate the extent and influence of outside agitators on peaceful protests.

§ 2. Commission. There is hereby established a temporary commission, to be known as the "commission to investigate the influence of outside agitators on peaceful protests" (hereinafter "the commission"), for the purpose of investigating the extent and influence of outside agitators on the right to gather and peacefully protest.

§ 3. Membership. (a) The commission shall consist of nine members to be appointed as follows:

(1) three members of the assembly, to be appointed by the speaker of the assembly;

(2) two members of the senate, to be appointed by the temporary president of the senate;

(3) one member from the New York state police appointed by the governor;

(4) one member from the New York state sheriff's association, to be appointed by the association;

(5) one member from the New York state division of criminal justice services, to be appointed by the governor; and

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

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(6) the commissioner of the New York city police department, or his or her designee.

(b) Vacancies in the membership of the commission shall be filled in the manner provided for original appointments.

(c) A chairperson and vice-chairperson of the commission shall be elected by a majority of its members, all members being present. Five members of the commission shall constitute a quorum for the purposes of conducting business of the commission.

(d) The commission may meet within and without the state, shall hold at least one public hearing each quarter, and shall have all the powers of a legislative committee pursuant to the legislative law. The first meeting of the commission shall be called by the first-named assembly member. The first meeting of the commission shall be held within 45 days of the effective date of this act.

(e) Membership on the commission shall not constitute a public office.

(f) The members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this act.

§ 4. Duties and scope of inquiry. The commission shall:

(a) investigate the extent and influence of outside agitators on peaceful protests; and

(b) receive testimony from individuals and organizations with expertise on the influence of outside agitators on peaceful protests and members of the public with interest in the influence of outside agitators on peaceful protests.

§ 5. Reporting. (a) The commission shall prepare and publish an interim report and a final report of its findings and recommendations. The reports shall:

(1) detail the extent and influence of outside agitators on peaceful protests including organization and leadership;

(2) develop a strategy and best practices, if deemed necessary, to limit the influence of outside agitators on peaceful protests; and

(3) provide any recommendations for proposed legislation developed by the commission.

(b) The commission shall submit the interim report required under subdivision (a) of this section to the speaker of the assembly, the minority leader of the assembly, the temporary president of the senate, the minority leader of the senate and the governor on or before June 1, 2022, and shall submit the final report required under subdivision (a) of this section to the speaker of the assembly, the minority leader of the assembly, the temporary president of the senate, the minority leader of the senate and the governor on or before September 1, 2022.

(c) The commission shall disband thirty days after submission of its final report as provided in subdivision (b) of this section.

§ 6. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2022.