

STATE OF NEW YORK

5505

2021-2022 Regular Sessions

IN ASSEMBLY

February 19, 2021

Introduced by M. of A. RICHARDSON -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the state finance law, in relation to the community violence intervention and prevention act; to repeal certain provisions of the public health law relating thereto; and making an appropriation therefor

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "community violence intervention and prevention act".

3 § 2. Title 3 of article 25 of the public health law is REPEALED and a
4 new title 3 is added to read as follows:

TITLE III

COMMUNITY VIOLENCE INTERVENTION AND PREVENTION ACT

Section 2560. Legislative findings.

2561. Definitions.

2562. Community violence intervention and prevention grants.

10 § 2560. Legislative findings. The legislature hereby finds and
11 declares that gun violence and other forms of violence constitute a
12 crisis that poses a serious threat to the health and quality of life of
13 all residents of the state of New York. An epidemic of violence is tear-
14 ing at the fabric of life in many urban areas. The legislature further
15 finds that funds from the Victims of Crime Act should be used to support
16 hospital based violence intervention programs and community based
17 violence intervention programs.

18 § 2561. Definitions. For the purposes of this title, the following
19 terms shall have the following meanings:

20 1. "Evidence-based health program" means a program or an initiative
21 that:

22 (a) is developed and evaluated through scientific research and data
23 collection;

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

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1 (b) uses public health principles that demonstrate measurable positive
2 outcomes in preventing gun violence; and

3 (c) is implemented by a nonprofit organization or public agency.

4 2. "Evidence-informed health program" means a program, an approach, or
5 an initiative that is:

6 (a) based on public health principles;

7 (b) capable of being studied and evaluated through research and data
8 collection;

9 (c) for the purpose of reducing gun violence;

10 (d) directed to influence factors determined to affect gun violence;
11 and

12 (e) implemented by a nonprofit organization or public agency.

13 3. "Hospital-based violence intervention program" means a violence
14 intervention program that:

15 (a) is operated by:

16 (i) a hospital; or

17 (ii) an individual or entity in collaboration with a hospital; and

18 (b) provides intensive counseling, case management, and social
19 services to individuals who are recovering from injuries resulting from
20 violence or who have committed acts of violence or who were witnesses to
21 acts of violence.

22 4. "Community-based violence intervention program" means a violence
23 intervention program that is operated by:

24 (a) a nonprofit organization; and

25 (b) provides intensive counseling, case management, and social
26 services to individuals who are recovering from injuries resulting from
27 violence or who have committed acts of violence or who were witnesses to
28 acts of violence.

29 5. "Director" shall mean the head of the office of victim services as
30 set forth by section six hundred twenty-two of the executive law.

31 6. "Crime" shall mean:

32 (a) an act committed in New York state which would, if committed by a
33 mentally competent criminally responsible adult, who has no legal
34 exemption or defense, constitute a crime as defined in and proscribed by
35 law; or

36 (b) an act committed outside the state of New York against a resident
37 of the state of New York which would be compensable had it occurred
38 within the state of New York and which occurred in a state which does
39 not have an eligible crime victim compensation program as such term is
40 defined in the federal Victims of Crime Act of 1984; or

41 (c) an act of terrorism, as defined in section 2331 of title 18,
42 United States Code, committed outside of the United States against a
43 resident of New York state.

44 7. "Elderly victim" shall mean a person sixty years of age or older
45 who suffers loss or damage as a direct result of a crime.

46 § 2562. Community violence intervention and prevention grants. 1. The
47 victim and witness assistance unit (grants unit) of the office of victim
48 services, through the director, shall make grants to provide funds for
49 hospital-based violence intervention programs and community-based
50 violence intervention programs, from the violence intervention and
51 prevention fund established by section ninety-seven-bbbbbb of the state
52 finance law, to provide services to crime victims, perpetrators of
53 crimes of violence and witnesses.

54 2. Such violence intervention programs shall be operated by hospitals
55 and at the community level by not-for-profit organizations.

1 3. The director shall promulgate regulations, relating to these
2 grants, including guidelines for its determinations.

3 (a) These regulations shall be designed to promote:

4 (i) alternative funding sources other than the state, including local
5 government and private sources as well as funding from the federal
6 Victims of Crime Act of 1984;

7 (ii) coordination of public and private efforts to aid individuals who
8 are recovering from injuries resulting from violence or who have commit-
9 ted acts of violence or who were witnesses to acts of violence; and

10 (iii) long range development of services to victims of violent crimes
11 in the community, to perpetrators of violent crimes and to witnesses of
12 violent crimes involved in criminal prosecutions.

13 (b) These regulations shall also provide for:

14 (i) clearly defined and measurable objectives;

15 (ii) evidence that the proposed evidence-based health programs or
16 evidence-informed health programs would likely reduce gun violence;

17 (iii) a description of how the local government or nonprofit organiza-
18 tion proposes to use the funding to reduce rates of gun violence by:

19 (A) establishing or enhancing evidence-based health programs or
20 evidence-informed health programs;

21 (B) enhancing coordination of existing violence intervention and
22 prevention programs, if any, to minimize duplication of services; and

23 (C) a plan for the collection of relevant data; and

24 (iv) outreach to the community and education and training of law
25 enforcement and other criminal justice officials to the needs of victims
26 of violent crimes in the community, to perpetrators of violent crimes
27 and to witnesses of violent crimes involved in criminal prosecutions.

28 § 3. The state finance law is amended by adding a new section 97-bbbbbb
29 to read as follows:

30 § 97-bbbbbb. Violence intervention and prevention fund. 1. There is
31 hereby established in the custody of the director of the office of
32 victim services a fund to be known as the "violence intervention and
33 prevention fund".

34 2. Such fund shall consist of all monies appropriated, credited, or
35 transferred thereto from any other fund or source pursuant to law.

36 3. Monies of the fund shall be expended only:

37 (a) pursuant to title three of article twenty-five of the public
38 health law;

39 (b) to support effective violence reduction strategies by providing
40 grants to local governments and nonprofit organizations to fund
41 evidence-based health programs or evidence-informed health programs;

42 (c) for the evaluation of the efficacy of evidence-based health
43 programs or evidence-informed health programs awarded grants through the
44 fund; and

45 (d) for administrative costs associated with:

46 (i) oversight of the fund;

47 (ii) public outreach and education about the fund; and

48 (iii) technical assistance and best practice education for grantees.

49 4. Monies shall be payable from the fund on the audit and warrant of
50 the comptroller on vouchers approved and certified by the director of
51 the office of victim services.

52 § 4. The sum of ten million dollars (\$10,000,000) or ten percent of
53 the monies from grants under the federal Victims of Crime Act of 1984,
54 whichever is greater, is hereby annually appropriated to the violence
55 intervention and prevention fund as established by section 97-bbbbbb of
56 the state finance law out of any monies in the state treasury in the

1 general fund to the credit of the state purposes account, not otherwise
2 appropriated, and made immediately available, for the purpose of carry-
3 ing out the provisions of this act. Such monies shall be payable on the
4 audit and warrant of the comptroller on vouchers certified or approved
5 by the director of the office of victim services in the manner
6 prescribed by law.

7 § 5. This act shall take effect immediately.