

STATE OF NEW YORK

5505--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 19, 2021

Introduced by M. of A. RICHARDSON -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law and the state finance law, in relation to the community violence intervention and prevention act

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. The executive law is amended by adding a new article 22-A to read
4 as follows:

ARTICLE 22-A

COMMUNITY VIOLENCE INTERVENTION AND PREVENTION ACT

7 Section 637-a. Legislative findings.

8 637-b. Definitions.

9 637-c. Community violence intervention and prevention grants.

10 § 637-a. 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 § 637-b. Definitions. For the purposes of this article, 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 were witnesses to acts of violence.

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

23 (a) a nonprofit organization; and

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

27 5. "Director" shall mean the head of the office of victim services as
28 set forth by section six hundred twenty-two of this chapter.

29 6. "Crime" shall mean:

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

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

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

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

44 § 637-c. Community violence intervention and prevention grants. 1.
45 The office of victim services shall promulgate regulations relating to
46 community violence intervention and prevention grants for hospital-based
47 violence intervention programs and community-based violence intervention
48 programs, which shall be funded from the community violence intervention
49 and prevention fund established by section ninety-seven-bbbbbb of the
50 state finance law.

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

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

1 (ii) coordination of public and private efforts to aid individuals who
2 are recovering from injuries resulting from violence or who were
3 witnesses to acts of violence; and

4 (iii) long range development of services to victims of violent crimes
5 in the community, to perpetrators of violent crimes and to witnesses of
6 violent crimes involved in criminal prosecutions.

7 (b) These regulations shall also provide for:

8 (i) clearly defined and measurable objectives;

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

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

13 (A) establishing or enhancing evidence-based health programs or
14 evidence-informed health programs;

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

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

18 (iv) outreach to the community and education and training of law
19 enforcement and other criminal justice officials to the needs of victims
20 of violent crimes in the community, to perpetrators of violent crimes
21 and to witnesses of violent crimes involved in criminal prosecutions.

22 § 3. The state finance law is amended by adding a new section 97-bbbbb
23 to read as follows:

24 § 97-bbbbb. Community violence intervention and prevention fund. 1.
25 There is hereby established in the joint custody of the state comp-
26 troller and the commissioner of taxation and finance a fund to be known
27 as the "community violence intervention and prevention fund".

28 2. The community violence intervention and prevention fund shall
29 consist of at least ten million dollars or ten percent of all monies
30 received under the federal victims of Crime Act of 1984, whichever is
31 greater; and all monies appropriated, credited, or transferred thereto
32 from any other fund or source pursuant to law.

33 3. Monies of the community violence intervention and prevention fund,
34 following appropriation by the legislature shall be expended only:

35 (a) pursuant to article twenty-two-A of the executive law;

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

39 (c) for the evaluation of the efficacy of evidence-based health
40 programs or evidence-informed health programs awarded grants through the
41 fund.

42 4. Monies shall be payable from the fund on the audit and warrant of
43 the comptroller on vouchers approved and certified by the commissioner
44 of taxation and finance.

45 § 4. If any provision or clause of this act or application thereof to
46 any person or circumstances is held invalid, such invalidity shall not
47 affect other provisions or applications of this act which can be given
48 effect without the invalid provision or application, and to this end the
49 provisions of this act are declared to be severable.

50 § 5. This act shall take effect immediately.