

# 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:

1 Section 1. The executive law is amended by adding two new sections  
2 837-w and 837-x to read as follows:

3 § 837-w. Blue alert system. 1. There is established within the divi-  
4 sion the blue alert system referred to in this section as the "system"  
5 which is a statewide program to aid in the identification, location and  
6 apprehension of any individual or individuals suspected of killing or  
7 seriously wounding any local, state, or federal law enforcement officer.

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

13 3. The division shall develop regions to provide the system. The divi-  
14 sion shall coordinate with local law enforcement agencies and public  
15 commercial television and radio broadcasters to provide an effective  
16 system. In the event that a local law enforcement agency opts not to set  
17 up a system and a killing or serious wounding of a law enforcement offi-  
18 cer occurs within the jurisdiction, it shall notify the division who  
19 will notify local media in the region.

20 4. The blue alert system shall include all state agencies capable of  
21 providing urgent and timely information to the public together with  
22 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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1 the dissemination of urgent public information. The blue alert system  
2 shall include, but not be limited to the division, the New York state  
3 department of transportation, and the New York state lottery.

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

7 6. Participation in a blue alert system is entirely at the option of  
8 local law enforcement agencies and federally licensed radio and tele-  
9 vision broadcasters.

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

12 § 837-x. Blue alert system oversight. 1. The division shall develop  
13 criteria and procedures for the blue alert system, and shall regularly  
14 review the function of the blue alert system and revise its criteria and  
15 procedures to provide for efficient and effective public notification.  
16 As soon as practicable, the division shall adopt criteria and procedures  
17 to expand the blue alert system to provide urgent public alerts related  
18 to homeland security, criminal acts, health emergencies, and other immi-  
19 nent dangers to the public health and welfare.

20 2. The division is hereby authorized to promulgate rules and regu-  
21 lations for the implementation of the blue alert system.

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

28 § 3. This act shall take effect immediately; provided, that section  
29 837-w of the executive law, as added by section one of this act, shall  
30 take effect on the ninetieth day after it shall have become a law.