STATE OF NEW YORK

772--A

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 -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 a new section 837-w to read as follows:

§ 837-w. Blue alert system. 1. There is established within the division a blue alert system to aid in the identification, location and apprehension of any individual or individuals suspected of killing or seriously wounding any police officer.

2. For the purposes of this section:

(a) The term "blue alert" shall mean information sent through the blue alert system related to:

(i) the serious injury or death of a law enforcement officer in the line of duty;

(ii) an officer who is missing in connection with the officer's official duties; or

(iii) an imminent and credible threat that an individual intends to cause the serious injury or death of a law enforcement officer.

(b) The term "law enforcement agency having jurisdiction" shall mean the chief law enforcement officer of the village, town, city, county, or the division of state police that is investigating an offense necessitating the use of a blue alert.

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

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(c) The term "law enforcement officer" shall mean a state or local police officer.

3. Upon the request of a law enforcement agency having jurisdiction, the division shall issue a blue alert when public dissemination of available information may help avert further harm or accelerate apprehension of the suspect. Such blue alert may be disseminated on a regional or statewide basis. Nothing in this section shall require a law enforcement agency having jurisdiction to request a blue alert in any circumstance described in paragraph (a) of subdivision two of this section or to participate in the dissemination of information under the blue alert system.

4. The division shall coordinate with the department of transportation, the division of state police, and police agencies, and may also coordinate with public commercial television and radio broadcaster organizations, to effectuate notifications under the blue alert system. Information disseminated pursuant to a blue alert may include, but shall not be limited to, a detailed description of the suspect's vehicle or license plate number and the name of the law enforcement agency that requested the alert.

5. The division may coordinate with additional state agencies capable of providing urgent and timely information to the public, together with television and radio broadcasters and other private entities, where appropriate, and if authorized and under conditions permitted by the federal government, that consent to participate in the dissemination of urgent public information.

6. The division shall develop criteria and procedures for activation of 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 notifications.

7. The provisions of this section shall only apply in the event that the division has been designated to use the federally authorized Emergency Alert System for the issuance of blue alerts.

8. The division is hereby authorized to promulgate rules and regulations for the implementation of the blue alert system pursuant to this section.

§ 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 on the ninetieth day after it shall have become a law.