

# 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:

1 Section 1. The executive law is amended by adding a new section 837-w  
2 to read as follows:

3 § 837-w. Blue alert system. 1. There is established within the divi-  
4 sion a blue alert system to aid in the identification, location and  
5 apprehension of any individual or individuals suspected of killing or  
6 seriously wounding any police officer.

7 2. For the purposes of this section:

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

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

12 (ii) an officer who is missing in connection with the officer's offi-  
13 cial duties; or

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

16 (b) The term "law enforcement agency having jurisdiction" shall mean  
17 the chief law enforcement officer of the village, town, city, county, or  
18 the division of state police that is investigating an offense necessi-  
19 tating 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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1 (c) The term "law enforcement officer" shall mean a state or local  
2 police officer.

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

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

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

26 6. The division shall develop criteria and procedures for activation  
27 of the blue alert system, and shall regularly review the function of the  
28 blue alert system and revise its criteria and procedures to provide for  
29 efficient and effective public notifications.

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

33 8. The division is hereby authorized to promulgate rules and regu-  
34 lations for the implementation of the blue alert system pursuant to this  
35 section.

36 § 2. Severability. If any clause, sentence, paragraph, section or part  
37 of this act shall be adjudged by any court of competent jurisdiction to  
38 be invalid, such judgment shall not affect, impair or invalidate the  
39 remainder thereof, but shall be confined in its operation to the clause,  
40 sentence, paragraph, section or part thereof directly involved in the  
41 controversy in which such judgment shall have been rendered.

42 § 3. This act shall take effect on the ninetieth day after it shall  
43 have become a law.