STATE OF NEW YORK

4571

2023-2024 Regular Sessions

IN ASSEMBLY

February 17, 2023

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

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

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

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

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

ARTICLE 22-A

COMMUNITY VIOLENCE INTERVENTION AND PREVENTION ACT

Section 637-a. Legislative findings.
637-b. Definitions.
637-c. Community violence intervention and prevention grants.

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

§ 637-b. Definitions. For the purposes of this article, the following terms shall have the following meanings:

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

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

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

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

LBD07713-01-3

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

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

(a) based on public health principles;

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

(c) for the purpose of reducing gun violence;

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

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

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

(a) is operated by:

(i) a hospital; or

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

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

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

(a) a nonprofit organization; and

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

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

6. "Crime" shall mean:

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

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

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

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

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

(a) These regulations shall be designed to promote:

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

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

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

(b) These regulations shall also provide for:

(i) clearly defined and measurable objectives;

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

(iii) a description of how the local government or nonprofit organization proposes to use the funding to reduce rates of gun violence by:

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

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

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

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

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

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

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

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

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

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

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

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

§ 4. Severability clause. If any clause, sentence, paragraph, subdivision, 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, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 5. This act shall take effect immediately.