

STATE OF NEW YORK

4825

2023-2024 Regular Sessions

IN ASSEMBLY

February 23, 2023

Introduced by M. of A. RAMOS -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to establishing gang courts; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Findings. The legislature hereby finds and declares that
2 the growth of criminal gang activities have created a public safety
3 crisis and social disorder in many communities across our state. To this
4 point, our system of justice has failed to successfully deter the spread
5 of this criminality. Whether it is the distribution and sale of
6 controlled substances, street crime, gun violence, prostitution or
7 simply the climate of fear, intimidation, and disorder that poison our
8 neighborhoods, many afflicted localities appear to be under siege. To
9 address this problem, the state should be flexible and seek integrated
10 ways of employing the resources of our judicial and criminal justice
11 system and other state and local entities.

12 Based on the foregoing findings the legislature hereby declares that
13 the New York unified court system should be empowered to establish a
14 gang court pilot program within available appropriations, to help
15 address these broad based issues. The legislature contemplates that the
16 program authorized in this act may consist of three special gang courts,
17 one in the county of Orange, one in the county of Nassau, and one in the
18 county of Suffolk, to hear and determine gang related criminal cases,
19 properly venued in compliance with the criminal procedure law, from
20 within each respective county, commencing no later than January first,
21 two thousand twenty-four and continuing, at least, until January first,
22 two thousand twenty-nine.

23 The legislature declares that the resources necessary for these
24 special gang parts of the courts of Orange county, the courts of Nassau

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

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1 county, and the courts of Suffolk county can be made available only
2 through a combination of federal funds from the law enforcement assist-
3 ance administration of the United States department of justice, and
4 state and local funds, services and facilities.

5 § 2. The judiciary law is amended by adding a new article 5-C to read
6 as follows:

7 ARTICLE 5-C

8 GANG COURT PILOT PROGRAM

9 Section 178. Special gang parts; establishment.

10 178-a. Transfer of cases to special gang parts.

11 178-b. Procedure in a special gang part.

12 § 178. Special gang parts; establishment. 1. There may be established
13 in the courts of Orange county, the courts of Nassau county, and the
14 courts of Suffolk county special gang parts in such numbers and at such
15 locations as shall be designated by the chief administrator of the
16 courts, by administrative order, to effectuate the purposes of this
17 article subject to availability of adequate funding within money appro-
18 priated within a given fiscal year. Such parts shall hear and determine
19 gang related criminal cases assigned thereto from any court within such
20 counties.

21 2. The chief administrator for the courts, in consultation with all
22 appropriate state and county agencies, may request that all currently
23 available resources be made available to the special gang court parts
24 and authorize these special parts to develop and implement new programs
25 as deemed necessary to further the administration of justice.

26 For purposes of this article, "criminal gang" is defined as a group of
27 three or more persons who, through the organization, formation, and
28 establishment of an assemblage, share a common identity and, whose
29 members, as a core undertaking of their group, actively engage in crimi-
30 nal conduct in violation of the penal law.

31 § 178-a. Transfer of cases to special gang parts. Notwithstanding any
32 other provision of law, upon or after arraignment on an accusatory
33 instrument charging a criminal offense committed by a member of a crimi-
34 nal gang as part of, or in the course of such illegal activities and
35 conduct in which such gang is purportedly engaging filed in a criminal
36 court within Orange county, within Nassau county, or within Suffolk
37 county and before entry of a plea of guilty or commencement of trial,
38 such court may order that the accusatory instrument and action be
39 assigned to the respective special gang part of the Orange county,
40 Nassau county, or Suffolk county court systems.

41 § 178-b. Procedure in a special gang part. The trial of any accusatory
42 instrument in a special gang part shall for all purposes be deemed to be
43 a trial, like any other criminal proceeding conducted in Orange county,
44 Nassau county, and Suffolk county respectively, in which the accusatory
45 instrument was filed, but the chief administrator of the courts may
46 promulgate rules, orders or regulations to be applicable to such parts
47 in place and instead of the rules, orders or regulations applicable to
48 courts in the county where the indictment was filed. The chief adminis-
49 trator shall provide by rule, order or regulation for at least the
50 following matters: the procedure of the part; its auxiliary services;
51 the assignment of judicial personnel; the appointment of terms; and
52 transmittal of all papers in the action, including all undertakings for
53 appearances of the defendant and of the witnesses, to the part of the
54 supreme court to which the action has been assigned consistent with the
55 criminal procedure law.

1 § 3. This act shall take effect on the first of January next succeed-
2 ing the date on which it shall have become a law and shall expire and be
3 deemed repealed 5 years after such effective date.