Legislation Details (With Text)

File #:	Int 1645-2019 **Version:** *	**Name:**	Providing notice to minors included in the criminal groups database.
Type:	Introduction	**Status:**	Filed (End of Session)
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On agenda:	7/23/2019		
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Title:	A Local Law to amend the administrative code of the city of New York, in relation to providing notice to minors included in the criminal groups database		
Sponsors:	Alicka Ampry-Samuel, Public Advocate Jumaane Williams, (by request of the Queens Borough President)		
Indexes:	Report Required		
Attachments:	1. Summary of Int. No. 1645, 2. Int. No. 1645, 3. Committee Report 6/27/19, 4. Hearing Testimony 6/27/19, 5. Hearing Transcript 6/27/19, 6. July 23, 2019 - Stated Meeting Agenda with Links to Files, 7. Hearing Transcript - Stated Meeting 7-23-19, 8. Minutes of the Stated Meeting - July 23, 2019		

Date	Ver.	Action By	Action	Result
6/27/2019	*	Committee on Public Safety	Hearing on P-C Item by Comm	
6/27/2019	*	Committee on Public Safety	P-C Item Laid Over by Comm	
7/23/2019	*	City Council	Introduced by Council	
7/23/2019	*	City Council	Referred to Comm by Council	
12/31/2021	*	City Council	Filed (End of Session)	

Int. No. 1645

By Council Member Ampry-Samuel and the Public Advocate (Mr. Williams) (by request of the Queens Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to providing notice to minors included in the criminal groups database

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-176 to read as follows:

§ 14-176 Criminal groups database. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Criminal groups database. The term “criminal groups database” means any database maintained by the

department that designates a person as a gang member or associate, or includes or points to information that reflects a designation of that person as a gang member or associate.

Gang. The term "gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities, the commission of one or more criminal acts, having a common name or common identifying sign or symbol, or whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

b. The department shall provide written notice to any minor under the age of 18 who has been entered into the criminal groups database, and the minor's parent or guardian, unless providing such notification would compromise an active criminal investigation or the department has specific reason to believe that providing such notification would compromise the health or safety of the minor or another person. The notice shall inform the minor of the reasons for the minor's inclusion in the criminal groups database and shall describe the process for the person, the person's parent or guardian, or an attorney working on behalf of the person, to contest the inclusion of the person in the database, as described in subdivision c.

c. After receiving the notice described in subdivision b, the minor, an attorney working on behalf of the minor, or the minor's parent or guardian may submit to the department a written petition contesting the inclusion of the minor in the database. The department shall review the petition, and if the department determines that the person should not be designated a suspected gang member, associate, or affiliate, the department shall immediately remove the person from the criminal groups database. Within 30 days, the department shall provide the minor and his or her parent or guardian with a written decision stating the action taken by the department. If the department denies the petition, the written decision shall state the reason for the denial.

d. By March 31, 2020, and no later than March 31 of each calendar year thereafter, the department shall report to the council and post on its website:

1. The number of persons included in the criminal groups database, in total and disaggregated by race,

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age, and gender;

2. The number of people added to the gang database during the prior calendar year, in total and disaggregated by race, age, and gender;

3. The number of people removed from the gang database during the prior calendar year, in total and disaggregated by race, age, and gender; and

4. The number of petitions received pursuant to subdivision c, in total and disaggregated by whether the petition was granted or denied.

§ 2. This local law takes effect 120 days after it becomes law.

NB/D.A
LS #7083
5/21/2019

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