



Division of the Budget

## PUBLIC SAFETY

### ESTABLISH A CANNABIS REGULATORY FRAMEWORK

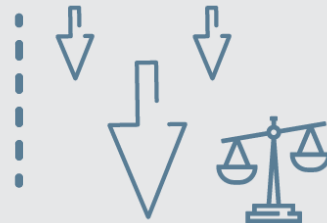


The Budget proposes a first-in-nation comprehensive cannabis regulatory framework.



### IMPROVING PUBLIC SAFETY

New York has one of the **lowest crime rates** of any large state in the country. Reported **Index crime declined** for the **sixth consecutive year** in 2018, to the fewest number of crimes reported statewide since reporting began in 1975.



### SECURING COMMUNITIES AGAINST HATE CRIMES

The Budget includes

**\$25 million**

in funding for **safety and security** projects at not-for-profit organizations at risk of **hate crimes** or attacks because of their ideology, beliefs, or mission.

### GUN SAFETY

The budget proposes to **tighten gun restrictions** for those who commit domestic abuse or commit a crime in another state.



It enhances sharing of information about **mental health issues** for those seeking to purchase, possess, or carry guns.



### ADVANCING THE WOMEN'S AGENDA

Strengthen Protections for **Domestic Violence Victims** Seeking a Divorce and **Expand Access to Civil Orders of Protection** in Family Courts.

# Public Safety

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The FY 2021 Executive Budget affirms New York’s progressive values within the criminal justice system. To promote public safety, the Budget advances the Women’s Agenda, and invests in prevention, diversion, treatment, re-entry and supervision services at the State and local level.

## Overview

The Public Safety agencies assist local communities with crime prevention, supervise criminal offenders both in prison and in the community, patrol the highways, protect critical State assets, and respond to natural disasters and terrorist threats.

The Department of Corrections and Community Supervision (DOCCS) is responsible for providing services that offenders need in safe and secure facilities, preparing offenders for release, and ensuring they receive appropriate monitoring and support while under community supervision.

The Division of Criminal Justice Services (DCJS) collects and analyzes statewide crime data, administers local criminal justice programs, administers the State’s Sex Offender Registry and DNA Databank, and tracks the effectiveness of system-wide criminal justice strategies designed to enhance public safety.

The Division of State Police protects the citizens of the State, prevents and detects crime and other violations of law and promotes highway safety.

The Division of Homeland Security and Emergency Services (DHSES) is dedicated to the preparation and protection of the State’s citizens, communities, resources, economy, and infrastructure from threats and acts of terrorism, natural disasters, and other emergencies.

The Office of Indigent Legal Services (ILS) and the associated Indigent Legal Services Board are responsible for examining, overseeing, and improving the quality of New York’s county-based system of providing legal representation to people who are unable to afford an attorney.

## Improving Public Safety and Fairness

New York has one of the lowest crime rates in the country and the lowest imprisonment rate of any large state. The crime rate in New York State has continued to decline since reporting began in 1975, reaching an all-time low in 2018. This makes New York the safest large state. The significant decline in crime coincides with a 38 percent drop in the State’s prison population from a peak of 72,600 in 1999 to a current population of approximately 44,500 – the lowest level in more than two decades. Through this decline, excess capacity has begun to build and as a result the Governor has recommended the closure of several facilities to effectively right-size the prison system.

More recently, however, the rates of hate and biased motivated incidents have spiked nationwide and in New York, as well. Reported hate crimes in New York State are up 23% during the first 9 months of 2019 compared to 2018. New York City is up 32% and Rest of State is up 8%. The Budget will continue and expand initiatives the Governor has developed to ensure that New York continues to be one of the safest states in the nation and protects all New Yorkers from crimes fueled by hate and prejudice.

## Table 15: Summary of All Funds Spending

## Public Safety

Category	FY 2020 (millions)	FY 2021 (millions)	Change	
			Dollar (millions)	Percent
Department of Corrections and Community Supervision	3,372	3,193	-179	-5.3%
Division of State Police*	892	922	30	3.4%
Division of Criminal Justice Services	239	251	12	5.0%
Division of Homeland Security and Emergency Services	1,315	1,224	-91	-6.9%
All Other	404	476	72	17.8%
<b>Total Public Safety</b>	<b>6,222</b>	<b>6,066</b>	<b>-156</b>	<b>-2.5%</b>

Spending for public safety agencies is projected at \$6.1 billion for FY 2021. The DCJS year-to-year increase is primarily due to an increase in DCJS' Capital Budget, The DHSES year-to-year change is primarily due to the timing of large FEMA Public Assistance payments. The year-to-year change for DOCCS is largely related to retroactive collective bargaining payments made in FY20.

### Proposed FY 2021 Budget Actions

#### Ensuring the Safety and Security for All

The FY 2021 Executive Budget targets known threats to public safety.

- Securing Communities Against Hate Crimes (SCAHC)** - Governor Cuomo advanced a grant program to boost safety and security at New York's nonpublic schools, community centers, and day care facilities at risk of hate crimes or attacks because of their ideology, beliefs, or mission. The SCAHC Grant provides up to \$50K in funding for security needs including cameras, state-of-the-art technology, door-hardening, improved lighting, and other related security upgrades at each eligible facility. To date \$25 million has been awarded through two rounds of SCAHC. In FY 2020, two additional rounds were made available totaling \$45 million and include children's recreational camps run by at-risk organizations. The FY 2021 budget would provide a new \$25 million funding for a fifth round of the grant and further expand the support to vulnerable not-for-profit organizations.

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- **Hate Crimes Task Force** - The State Police Hate Crimes Task Force was established by the Governor in the 2018 to address the increase in bias-motivated threats, harassment and violence throughout New York State. The FY 2021 budget includes \$2 million to support the Task Force's on-going work, and to bolster the monitoring of digital media which promote violence, intolerance, selling of illicit substances and terrorism.
- **Pass the "New York Hate Crime Anti-Terrorism Act"**. This would create a "domestic act of terrorism motivated by hate" crime as a new A-1 class felony punishable by up to life in prison without parole.
- **Close the Electronic Security and Targeting of Online Predators Act (e-STOP) Loophole**. Current law requires sex offenders to register and maintain all current email accounts, screen names and any other Internet identifiers with the state Division of Criminal Justice Services; the list is then given to certain social networking companies that may purge their sites of offenders. With the proliferation of online dating apps and social media, online predators are using different tools to exploit children, and the current law does not account for these new technologies. By strengthening the current law and expanding it to include other technological tools used by sexual predators, the law would provide law enforcement and prosecutors the ability to hold sex offenders accountable for predatory actions.
- **Improve Efficiency in the Investigation of Online Sexual Exploitation of Minors**. This proposal would authorize the Superintendent of State Police to issue administrative subpoenas during investigations related to the commission of certain online sexual offenses against children.
- **Funding Emergency Management Assets** - Protecting the public during emergencies and responding to disasters are critical missions of state government. The Budget sustains \$12 million in capital funding to ensure that emergency responders have the right equipment to fulfill this responsibility and that critical resources are available and delivered when needed.
- **Close the Rape Intoxication Loophole**. Currently the Penal Law does not adequately protect victims of sexual offenses who could not consent to sexual activity due to voluntary intoxication. The Executive Budget includes legislation to close this loophole once and for all and clarify that a victim's ability to consent is jeopardized whether they were voluntarily or involuntarily intoxicated, giving prosecutors the ability to hold sexual abusers accountable for their criminal acts and allowing sexual abuse survivors to obtain the justice they deserve.
- **Prevent the Manufacture and Dissemination of Ghost Guns**. This proposal would prohibit individuals who cannot legally possess a rifle or shotgun from possessing a major component part that could be used to build a firearm, rifle or shotgun. It would also require individuals to obtain major components of a firearm,

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rifle or shotgun only through an in-store transaction at a licensed gun dealer. This proposal would require licensed dealers to limit distribution of major components to only individuals who possess valid identification; log all transactions; and initiate procedures to obtain a serial number issued by DCJS for all unfinished frames and receivers.

- **Remove Guns from Domestic Abusers.** This proposal would authorize law enforcement to remove guns from the scene of a domestic violence incident. It would also establish a domestic violence misdemeanor to ensure abusers lose access to firearms immediately upon conviction. Further, it would authorize law enforcement officers to seize weapons from the home of an individual who becomes subject to a protective order arising out of a domestic dispute.
- **Disqualify Individuals from Gun Ownership if They Commit Crime Out of State.** This proposal would prohibit individuals from obtaining a gun license who commit serious offenses out-of-state that would disqualify them from obtaining a gun license if committed in New York.
- **Enhance the Sharing of Crime Gun Information.** This would require all state and local law enforcement agencies in the state to opt in to Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF's) crime gun trace data sharing program and submit crime guns recovered through the ATF's eTrace system. Further, it would require all state and local law enforcement to collect and submit all ballistics evidence to the National Integrated Ballistics Identification Network (NIBIN)
- **Sharing Flags from Mental Health Professionals from Other States (firearms).** This would allow for the sharing of information to law enforcement entities in other states for the purpose of determining eligibility to purchase, possess, or carry a firearm.

## Ensuring Fairness in the Criminal Justice System

- **Continue Phase-in of Hurrell-Harring Settlement (HHS) Statewide Implementation:** The FY 2021 Executive Budget provides \$150M in Local Assistance funding for the third year of a five-year phase-in of increased support for the Office of Indigent Legal Services. This funding provides for the continued expansion of the Hurrell-Harring Settlement reforms to every county in order to improve the quality of indigent criminal defense statewide through three initiatives: Counsel at Arraignment, Caseload Relief, and Quality Improvement.

## Advancing the Women's Agenda

- **Strengthen Protections for Domestic Violence Victims Seeking a Divorce.** The FY 2021 Executive Budget includes legislation to require courts to specifically consider the effects of domestic violence on the future financial circumstances of each party. This will require a court to examine the circumstances and results of

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domestic violence and would allow the court to find that a party has a diminished future ability to make a living due to acts of domestic violence committed against them by the other party.

- **Expand Access to Civil Orders of Protection in Family Courts.** The FY 2021 Executive Budget includes legislation allowing Family Courts to issue orders of protection without requiring the petitioner to allege and prove a family offense was committed. The orders of protection could be issued to stop domestic violence, end the family disruption, and/or to obtain protection.

### **Establish a Comprehensive Cannabis Regulatory Framework**

In January 2018, Governor Cuomo directed the Department of Health (DOH) to conduct an impact study in consultation with other state agencies to review the potential impact of regulated cannabis in New York State. The report issued in July 2018 concluded that the positive impacts of a regulated cannabis program in New York State outweighs the potential negative aspects.

The report states that the regulation of cannabis benefits public health by enabling government oversight of the production, testing, labeling, distribution, and sale of cannabis. The creation of a regulated cannabis program would enable New York State to control licensing, ensure quality control and consumer protection, and set age and quantity restrictions. Moreover, the report found that a regulated program would reduce racial disparities in criminalization and incarceration rates, noting that there have been more than 800,000 arrests for possession of small amounts of cannabis in New York with the majority of those arrested people of color.

Based on the findings of the impact study, the Governor charged a Regulated Marijuana workgroup to provide advice to the State on legislative and regulatory approaches and launched a series of listening sessions on regulated cannabis across the State that drew approximately 2,400 community members.

Legislation introduced with the FY 2021 Executive Budget establishes a regulated adult-use cannabis program that protects public health, provides consumer protection, ensures public safety, addresses social justice concerns, and invests tax revenue.

To best achieve these goals, the Governor proposes a first-in-nation comprehensive cannabis regulatory framework, administered by the newly established Office of Cannabis Management (OCM) that centralizes all the licensing, enforcement and economic development functions in one entity. The OCM will administer all licensing, production, and distribution of cannabis products in the adult-use, industrial, and medical cannabis markets.