

3293

2011-2012 Regular Sessions

I N   S E N A T E

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Introduced by Sens. DeFRANCISCO, VALESKY -- read twice and ordered  
printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to creating the missing  
vulnerable adults clearinghouse

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

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

3     S 837-FF. MISSING VULNERABLE ADULTS CLEARINGHOUSE. THERE IS HEREBY  
4     ESTABLISHED WITHIN THE DIVISION A MISSING VULNERABLE ADULTS CLEARING-  
5     HOUSE TO PROVIDE A COMPREHENSIVE AND COORDINATED APPROACH TO THE PROBLEM  
6     OF MISSING VULNERABLE ADULTS.

7     1. FOR PURPOSES OF THIS SECTION:

8     (A) "VULNERABLE ADULT" SHALL MEAN AN INDIVIDUAL EIGHTEEN YEARS OF AGE  
9     OR OLDER WHO HAS BEEN DIAGNOSED BY A PHYSICIAN AS BEING VULNERABLE OR  
10    WHO HAS BEEN DESCRIBED AS VULNERABLE BY THE INDIVIDUAL MAKING THE  
11    REPORT.

12    (B) "VULNERABLE" SHALL DESCRIBE A PERSON WITH ANY COGNITIVE IMPAIR-  
13    MENT, MENTAL DISABILITY, OR BRAIN DISORDER.

14    (C) "MISSING VULNERABLE ADULT ALERT" SHALL MEAN A METHOD TO DISSEM-  
15    INATE INFORMATION REGARDING A MISSING VULNERABLE ADULT TO THE GENERAL  
16    PUBLIC. SUCH ALERTS SHALL PROVIDE NO MEDICAL INFORMATION AND IN NO WAY  
17    INDICATE THAT THE MISSING PERSON IS VULNERABLE. FOR THE PURPOSES OF  
18    NOTIFICATIONS TO THE PUBLIC PURSUANT TO SUBDIVISION TWO OF THIS SECTION,  
19    THE ALERT SHALL BE TITLED "GOLD ALERT".

20    2. THE COMMISSIONER SHALL BE AUTHORIZED TO:

21    (A) PLAN AND IMPLEMENT PROGRAMS TO ENSURE THE MOST EFFECTIVE USE OF  
22    FEDERAL, STATE, AND LOCAL RESOURCES IN THE INVESTIGATION OF MISSING  
23    VULNERABLE ADULTS;

24    (B) DISSEMINATE A DIRECTORY OF RESOURCES TO ASSIST IN LOCATING MISSING  
25    VULNERABLE ADULTS;

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

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1 (C) COOPERATE WITH THE DEPARTMENT OF HEALTH, OFFICE OF MENTAL HEALTH,  
2 OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR THE AGING,  
3 AND OTHER PUBLIC AND PRIVATE ORGANIZATIONS TO DEVELOP EDUCATION AND  
4 PREVENTION PROGRAMS CONCERNING THE SAFETY OF VULNERABLE ADULTS;

5 (D) ASSIST FEDERAL, STATE, AND LOCAL AGENCIES IN THE INVESTIGATION OF  
6 CASES INVOLVING MISSING VULNERABLE ADULTS;

7 (E) UTILIZE AVAILABLE RESOURCES TO DUPLICATE PHOTOGRAPHS AND POSTERS  
8 OF VULNERABLE ADULTS REPORTED AS MISSING BY POLICE AND DISSEMINATE THIS  
9 INFORMATION THROUGHOUT THE STATE PROVIDING SUCH POSTERS INDICATE ONLY  
10 THAT THE ADULT IS MISSING WITH NO MENTION OF VULNERABILITY;

11 (F) PROVIDE ASSISTANCE IN RETURNING MISSING VULNERABLE ADULTS WHO ARE  
12 LOCATED OUT OF STATE;

13 (G) DEVELOP A CURRICULUM FOR THE TRAINING OF LAW ENFORCEMENT PERSONNEL  
14 INVESTIGATING CASES INVOLVING MISSING VULNERABLE ADULTS, INCLUDING  
15 RECOGNITION AND MANAGEMENT OF VULNERABLE ADULTS;

16 (H) OPERATE A TOLL-FREE TWENTY-FOUR HOUR HOTLINE FOR THE PUBLIC TO USE  
17 TO RELAY INFORMATION CONCERNING MISSING VULNERABLE ADULTS;

18 (I) MAINTAIN AND MAKE AVAILABLE TO APPROPRIATE STATE AND LOCAL LAW  
19 ENFORCEMENT AGENCIES INFORMATION CONCERNING TECHNOLOGICAL ADVANCES THAT  
20 MAY ASSIST IN FACILITATING THE RECOVERY OF MISSING VULNERABLE ADULTS;

21 (J) TAKE SUCH OTHER STEPS AS NECESSARY TO ASSIST IN EDUCATION,  
22 PREVENTION, SERVICE PROVISION, AND INVESTIGATION OF CASES INVOLVING  
23 MISSING VULNERABLE ADULTS;

24 (K) (1) IN CONSULTATION WITH THE DIVISION OF STATE POLICE AND OTHER  
25 APPROPRIATE AGENCIES, DEVELOP, REGULARLY UPDATE, AND DISTRIBUTE MODEL  
26 MISSING VULNERABLE ADULT PROMPT RESPONSE AND NOTIFICATION PLANS. SUCH  
27 PLANS SHALL BE AVAILABLE FOR USE BY LOCAL COMMUNITIES AND LAW ENFORCE-  
28 MENT PERSONNEL AND SHALL INVOLVE A PRO-ACTIVE, COORDINATED RESPONSE THAT  
29 MAY BE PROMPTLY TRIGGERED BY LAW ENFORCEMENT PERSONNEL UPON CONFIRMATION  
30 BY A POLICE OFFICER, PEACE OFFICER, OR POLICE AGENCY OF A REPORT OF A  
31 MISSING VULNERABLE ADULT AS DEFINED IN SUBDIVISION ONE OF THIS SECTION.

32 (2) SUCH PLANS SHALL, AT A MINIMUM, PROVIDE THAT: (A) THE NAME OF THE  
33 MISSING VULNERABLE ADULT, A DESCRIPTION OF THE MISSING INDIVIDUAL, AND  
34 OTHER PERTINENT INFORMATION MAY BE PROMPTLY DISPATCHED OVER THE POLICE  
35 COMMUNICATION SYSTEM PURSUANT TO SUBDIVISION THREE OF SECTION TWO  
36 HUNDRED TWENTY-ONE OF THIS CHAPTER; (B) SUCH INFORMATION MAY BE IMME-  
37 DIATELY PROVIDED, IN SUCH A MANNER AS TO ENSURE THAT IT IS NOT REVEALED  
38 TO THE PUBLIC THAT THE MISSING PERSON IS VULNERABLE, (I) ORALLY, ELEC-  
39 TRONICALLY, OR BY FACSIMILE TRANSMISSION TO ONE OR MORE RADIO STATIONS  
40 AND OTHER BROADCAST MEDIA OUTLETS SERVING THE COMMUNITY INCLUDING, BUT  
41 NOT LIMITED TO, THOSE WHO HAVE VOLUNTARILY AGREED IN ADVANCE TO PROMPTLY  
42 NOTIFY OTHER SUCH RADIO STATIONS AND BROADCAST MEDIA OUTLETS IN LIKE  
43 MANNER AND (II) BY ELECTRONIC MAIL MESSAGE TO ONE OR MORE INTERNET  
44 SERVICE PROVIDERS AND COMMERCIAL MOBILE SERVICE PROVIDERS SERVING THE  
45 COMMUNITY INCLUDING, BUT NOT LIMITED TO, THOSE WHICH HAVE VOLUNTARILY  
46 AGREED IN ADVANCE TO PROMPTLY NOTIFY OTHER SUCH INTERNET SERVICE PROVID-  
47 ERS IN LIKE MANNER; (C) PARTICIPATING RADIO STATIONS AND OTHER PARTIC-  
48 IPATING BROADCAST MEDIA OUTLETS SERVING THE COMMUNITY MAY VOLUNTARILY  
49 AGREE TO PROMPTLY BROADCAST A MISSING VULNERABLE ADULT ALERT PROVIDING  
50 PERTINENT DETAILS CONCERNING THE MISSING VULNERABLE ADULT'S DISAPPEAR-  
51 ANCE, BREAKING INTO REGULAR PROGRAMMING WHERE APPROPRIATE; (D) PARTIC-  
52 IPATING INTERNET SERVICE PROVIDERS AND COMMERCIAL MOBILE SERVICE PROVID-  
53 ERS SERVING THE COMMUNITY MAY VOLUNTARILY AGREE TO PROMPTLY PROVIDE BY  
54 ELECTRONIC MAIL MESSAGE A MISSING VULNERABLE ADULT ALERT PROVIDING  
55 PERTINENT DETAILS CONCERNING THE MISSING VULNERABLE ADULT'S DISAPPEAR-  
56 ANCE; (E) POLICE AGENCIES NOT CONNECTED WITH THE BASIC POLICE COMMUNI-

1 CATION SYSTEM IN USE IN SUCH JURISDICTION MAY TRANSMIT SUCH INFORMATION  
2 TO THE NEAREST OR MOST CONVENIENT ELECTRONIC ENTRY POINT, FROM WHICH  
3 POINT IT MAY BE PROMPTLY DISPATCHED IN CONFORMITY WITH THE ORDERS,  
4 RULES, OR REGULATIONS GOVERNING THE SYSTEM; (F) A STATEWIDE RESPONSE  
5 MUST BE INITIATED AS SOON AS LOCAL LAW ENFORCEMENT DEEMS IT IS NECESSARY  
6 TO FIND THE MISSING VULNERABLE ADULT UNLESS THE INVESTIGATING POLICE  
7 DEPARTMENT, IN THEIR DISCRETION, ADVISES THAT THE RELEASE OF SUCH INFOR-  
8 MATION MAY JEOPARDIZE THE INVESTIGATION OR THE SAFETY OF THE MISSING  
9 VULNERABLE ADULT OR THE INVESTIGATING POLICE DEPARTMENT REQUESTS  
10 FORBEARANCE FOR ANY REASON.

11 (3) THE COMMISSIONER SHALL ALSO DESIGNATE A UNIT WITHIN THE DIVISION  
12 THAT SHALL ASSIST LAW ENFORCEMENT AGENCIES AND REPRESENTATIVES OF RADIO  
13 STATIONS, BROADCAST MEDIA OUTLETS, INTERNET SERVICE PROVIDERS, AND  
14 COMMERCIAL MOBILE SERVICE PROVIDERS IN THE DESIGN, IMPLEMENTATION, AND  
15 IMPROVEMENT OF MISSING VULNERABLE ADULT RESPONSE AND NOTIFICATION PLANS.  
16 SUCH UNIT SHALL MAKE ONGOING OUTREACH EFFORTS TO LOCAL GOVERNMENT ENTI-  
17 TIES AND LOCAL LAW ENFORCEMENT AGENCIES TO ASSIST SUCH ENTITIES AND  
18 AGENCIES IN THE IMPLEMENTATION AND OPERATION OF SUCH PLANS WITH THE GOAL  
19 OF IMPLEMENTING AND OPERATING SUCH PLANS IN EVERY JURISDICTION IN NEW  
20 YORK STATE.

21 3. ANY INDIVIDUAL WHO KNOWINGLY MAKES A FALSE REPORT OF A MISSING  
22 VULNERABLE ADULT SHALL BE GUILTY OF FALSELY REPORTING AN INCIDENT IN THE  
23 THIRD DEGREE, WHICH IS PUNISHABLE BY A CLASS A MISDEMEANOR.

24 4. THE COMMISSIONER SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND  
25 LEGISLATURE REGARDING THE ACTIVITIES OF THE MISSING VULNERABLE ADULTS  
26 CLEARINGHOUSE INCLUDING STATISTICAL INFORMATION INVOLVING REPORTED CASES  
27 OF MISSING VULNERABLE ADULTS AND A SUMMARY OF THE DIVISION'S EFFORTS  
28 WITH RESPECT TO THE ACTIVITIES AUTHORIZED UNDER SUBDIVISION TWO OF THIS  
29 SECTION.

30 S 2. Severability. If any clause, sentence, paragraph, section or part  
31 of this act shall be adjudged by any court of competent jurisdiction to  
32 be invalid and after exhaustion of all further judicial review, the  
33 judgment shall not affect, impair or invalidate the remainder thereof,  
34 but shall be confined in its operation to the clause, sentence, para-  
35 graph, section or part of this act directly involved in the controversy  
36 in which the judgment shall have been rendered.

37 S 3. This act shall take effect on the one hundred twentieth day after  
38 it shall have become law. Effective immediately, the addition, amend-  
39 ment, and repeal of any rule or regulation necessary for the implementa-  
40 tion of this act on its effective date are authorized and directed to be  
41 made and completed on or before such effective date.