

3876

2013-2014 Regular Sessions

I N   S E N A T E

February 26, 2013

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Introduced by Sen. BALL -- 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 establishing a prompt  
response and notification program for missing persons with develop-  
mental disabilities, Alzheimer's disease or other dementia

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

1     Section 1. Section 837 of the executive law is amended by adding a new  
2     subdivision 20 to read as follows:  
3     20. (A) IN CONSULTATION WITH THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL  
4     DISABILITIES, OFFICE OF MENTAL HEALTH, DIVISION OF STATE POLICE AND  
5     OTHER APPROPRIATE AGENCIES, DEVELOP, REGULARLY UPDATE AND DISTRIBUTE,  
6     MODEL MISSING PERSONS WITH DEVELOPMENTAL DISABILITIES, ALZHEIMER'S  
7     DISEASE OR OTHER DEMENTIA PROMPT RESPONSE AND NOTIFICATION PLANS, WHICH  
8     SHALL BE AVAILABLE FOR USE, IN THEIR DISCRETION, AS APPROPRIATE, BY  
9     LOCAL COMMUNITIES AND LAW ENFORCEMENT PERSONNEL. SUCH PLANS SHALL  
10    INVOLVE A PRO-ACTIVE, COORDINATED RESPONSE, PLANNED IN ADVANCE, THAT MAY  
11    BE PROMPTLY TRIGGERED BY LAW ENFORCEMENT PERSONNEL UPON CONFIRMATION BY  
12    A POLICE OFFICER, PEACE OFFICER OR POLICE AGENCY OF A REPORT OF SUCH A  
13    MISSING PERSON.  
14    (B) SUCH PLANS SHALL, AT A MINIMUM, PROVIDE THAT:  
15    (I) THE NAME OF SUCH MISSING PERSON, A DESCRIPTION OF THE PERSON AND  
16    OTHER PERTINENT INFORMATION MAY BE PROMPTLY DISPATCHED OVER THE POLICE  
17    COMMUNICATION SYSTEM;  
18    (II) SUCH INFORMATION MAY BE IMMEDIATELY PROVIDED ORALLY, ELECTRON-  
19    ICALLY OR BY FACSIMILE TRANSMISSION TO ONE OR MORE RADIO STATIONS AND  
20    OTHER BROADCAST MEDIA OUTLETS SERVING THE COMMUNITY INCLUDING, BUT NOT  
21    LIMITED TO, THOSE WHICH HAVE VOLUNTARILY AGREED, IN ADVANCE, TO PROMPTLY  
22    NOTIFY OTHER SUCH RADIO STATIONS AND OTHER BROADCAST MEDIA OUTLETS IN  
23    LIKE MANNER;

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

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1 (III) SUCH INFORMATION MAY BE IMMEDIATELY PROVIDED BY ELECTRONIC MAIL  
2 MESSAGE TO ONE OR MORE INTERNET SERVICE PROVIDERS AND COMMERCIAL MOBILE  
3 SERVICE PROVIDERS SERVING THE COMMUNITY INCLUDING, BUT NOT LIMITED TO,  
4 THOSE WHICH HAVE VOLUNTARILY AGREED, IN ADVANCE, TO PROMPTLY NOTIFY  
5 OTHER SUCH INTERNET SERVICE PROVIDERS IN LIKE MANNER;

6 (IV) PARTICIPATING RADIO STATIONS AND OTHER PARTICIPATING BROADCAST  
7 MEDIA OUTLETS SERVING THE COMMUNITY MAY VOLUNTARILY AGREE TO PROMPTLY  
8 BROADCAST A MISSING CHILD ALERT PROVIDING PERTINENT DETAILS CONCERNING  
9 THE PERSON'S DISAPPEARANCE, BREAKING INTO REGULAR PROGRAMMING WHERE  
10 APPROPRIATE;

11 (V) PARTICIPATING INTERNET SERVICE PROVIDERS AND COMMERCIAL MOBILE  
12 SERVICE PROVIDERS SERVING THE COMMUNITY MAY VOLUNTARILY AGREE TO PROMPT-  
13 LY PROVIDE BY ELECTRONIC MAIL MESSAGE A MISSING MENTALLY DISABLED PERSON  
14 ALERT PROVIDING PERTINENT DETAILS CONCERNING THE PERSON'S DISAPPEARANCE;

15 (VI) POLICE AGENCIES NOT CONNECTED WITH THE BASIC POLICE COMMUNICATION  
16 SYSTEM IN USE IN SUCH JURISDICTION MAY TRANSMIT SUCH INFORMATION TO THE  
17 NEAREST OR MOST CONVENIENT ELECTRONIC ENTRY POINT, FROM WHICH POINT IT  
18 MAY BE PROMPTLY DISPATCHED, IN CONFORMITY WITH THE ORDERS, RULES OR  
19 REGULATIONS GOVERNING THE SYSTEM; AND

20 (VII) NO DISPATCH OR TRANSMISSION OF A REPORT CONCERNING A MISSING  
21 MENTALLY DISABLED PERSON SHALL BE REQUIRED BY SUCH PLAN IF THE INVESTI-  
22 GATING POLICE DEPARTMENT ADVISES, IN ITS DISCRETION, THAT THE RELEASE OF  
23 SUCH INFORMATION MAY JEOPARDIZE THE INVESTIGATION OR THE SAFETY OF THE  
24 PERSON, OR REQUESTS FORBEARANCE FOR ANY REASON.

25 (C) THE COMMISSIONER SHALL ALSO DESIGNATE A UNIT WITHIN THE DIVISION  
26 THAT SHALL ASSIST LAW ENFORCEMENT AGENCIES AND REPRESENTATIVES OF RADIO  
27 STATIONS, BROADCAST MEDIA OUTLETS, INTERNET SERVICE PROVIDERS AND  
28 COMMERCIAL MOBILE SERVICE PROVIDERS IN THE DESIGN, IMPLEMENTATION AND  
29 IMPROVEMENT OF MENTALLY DISABLED PERSON PROMPT RESPONSE AND NOTIFICATION  
30 PLANS. SUCH UNIT SHALL MAKE ONGOING OUTREACH EFFORTS TO LOCAL GOVERN-  
31 MENT ENTITIES AND LOCAL LAW ENFORCEMENT AGENCIES TO ASSIST SUCH ENTITIES  
32 AND AGENCIES IN THE IMPLEMENTATION AND OPERATION OF SUCH PLANS WITH THE  
33 GOAL OF IMPLEMENTING AND OPERATING SUCH PLANS IN EVERY JURISDICTION IN  
34 NEW YORK STATE.

35 (D) THE COMMISSIONER SHALL ALSO MAINTAIN AND MAKE AVAILABLE TO APPRO-  
36 PRIATE STATE AND LOCAL LAW ENFORCEMENT AGENCIES UP-TO-DATE INFORMATION  
37 CONCERNING TECHNOLOGICAL ADVANCES THAT MAY ASSIST IN FACILITATING THE  
38 RECOVERY OF MISSING MENTALLY DISABLED PERSONS.

39 S 2. This act shall take effect on the first of January next succeed-  
40 ing the date on which it shall have become a law.