

7235

I N S E N A T E

May 7, 2014

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law, the elder law, the public health law, and the executive law, in relation to the establishment of a statewide vulnerable person location system

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

- 1 Section 1. Legislative intent. The legislature hereby finds that the
2 tragedy where Avonte Oquendo wandered away from his school never to be
3 found alive highlights the continuing need to find ways to protect the
4 most vulnerable individuals in our state and to help prevent this type
5 of tragedy from happening again. The legislature further finds that a
6 state-wide program designed to make it easier to locate missing vulner-
7 able persons is one such mechanism to achieve this goal. Therefore, the
8 legislature finds it appropriate to enact legislation herein to be known
9 as "Avonte's Law".
- 10 S 2. Section 5.05 of the mental hygiene law is amended by adding a new
11 subdivision (f) to read as follows:
- 12 (F) THE COMMISSIONERS OF THE OFFICE OF MENTAL HEALTH AND THE OFFICE
13 FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES ARE HEREBY AUTHORIZED AND
14 INSTRUCTED TO PROMULGATE RULES AND REGULATIONS AND TAKE ALL STEPS AS MAY
15 BE NECESSARY TO ESTABLISH A MISSING PERSON LOCATOR PROGRAM, TO BE IMPE-
16 MENTED IN EVERY COUNTY IN THE STATE, THAT WILL MAKE AVAILABLE TO ALL
17 VULNERABLE OR AGING PERSONS WITHIN THEIR CARE AT COST, UPON REQUEST
18 PERSONALLY OR THROUGH AN AGENT, PARENT OR GUARDIAN, A PERSONAL LOCATOR
19 DEVICE TO BE PLACED ON SUCH INDIVIDUAL AND USED IN CONJUNCTION WITH THE
20 STATEWIDE MISSING PERSON LOCATOR SYSTEM DEVELOPED BY THE STATE POLICE
21 PURSUANT TO SECTION 837-F-2 OF THE EXECUTIVE LAW. THE STATE SHALL
22 PROVIDE PAYMENT OR A SUBSIDY FOR ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY
23 FOR SUCH LOCATOR DEVICE.
- 24 S 3. Section 202 of the elder law is amended by adding two new subdi-
25 visions 16 and 17 to read as follows:

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

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16. TO MAKE AVAILABLE TO ALL VULNERABLE OR AGING PERSONS WITHIN THEIR CARE AT COST, UPON REQUEST PERSONALLY OR THROUGH AN AGENT, PARENT OR GUARDIAN, A PERSONAL LOCATOR DEVICE TO BE PLACED ON SUCH INDIVIDUAL AND USED IN CONJUNCTION WITH THE STATEWIDE MISSING PERSON LOCATOR SYSTEM DEVELOPED BY THE STATE POLICE PURSUANT TO SECTION 837-F-2 OF THE EXECUTIVE LAW. THE STATE SHALL PROVIDE PAYMENT OR A SUBSIDY FOR ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR DEVICE.

17. TO MAKE AVAILABLE TO ALL VULNERABLE OR AGING PERSONS WITHIN THE CARE OF A PRIVATE FACILITY THAT IS SUBJECT TO THE PROVISIONS OF THIS CHAPTER AT COST, UPON REQUEST PERSONALLY OR THROUGH AN AGENT, PARENT OR GUARDIAN, A PERSONAL LOCATOR DEVICE TO BE PLACED ON SUCH INDIVIDUAL AND USED IN CONJUNCTION WITH THE STATEWIDE MISSING PERSON LOCATOR SYSTEM DEVELOPED BY THE STATE POLICE PURSUANT TO SECTION 837-F-2 OF THE EXECUTIVE LAW. THE STATE SHALL PROVIDE PAYMENT OR A SUBSIDY FOR ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR DEVICE.

S 4. Section 206 of the public health law is amended by adding a new subdivision 29 to read as follows:

29. THE COMMISSIONER SHALL MAKE AVAILABLE TO ALL VULNERABLE OR AGING PERSONS WITHIN THEIR CARE AT COST, UPON REQUEST PERSONALLY OR THROUGH AN AGENT, PARENT OR GUARDIAN, A PERSONAL LOCATOR DEVICE TO BE PLACED ON SUCH INDIVIDUAL AND USED IN CONJUNCTION WITH THE STATEWIDE MISSING PERSON LOCATOR SYSTEM DEVELOPED BY THE STATE POLICE PURSUANT TO SECTION 837-F-2 OF THE EXECUTIVE LAW. THE STATE SHALL PROVIDE PAYMENT OR A SUBSIDY FOR ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR DEVICE.

S 5. The executive law is amended by adding a new section 837-f-2 to read as follows:

S 837-F-2. STATEWIDE MISSING PERSON LOCATOR SYSTEM. 1. THE STATE POLICE ARE HEREBY AUTHORIZED AND INSTRUCTED TO PROMULGATE RULES AND REGULATIONS AND TAKE ALL STEPS AS MAY BE NECESSARY TO IMPLEMENT A STATEWIDE LOCATOR PROGRAM THAT WILL FACILITATE THE LOCATION OF LOST VULNERABLE OR AGING PERSONS. THE PROGRAM SHALL BE IMPLEMENTED IN CONJUNCTION WITH ALL LOCAL LAW ENFORCEMENT AGENCIES AND THE STATE SHALL MAKE AVAILABLE IN EVERY COUNTY OF THE STATE EITHER THROUGH THE STATE POLICE, OR IN COOPERATION WITH COUNTY AND/OR LOCAL LAW ENFORCEMENT AGENCIES, THE NECESSARY LOCATOR EQUIPMENT.

2. THE STATE POLICE OR LOCAL LAW ENFORCEMENT AGENCY SHALL, AT COST TO THE RECIPIENT, PROVIDE A BRACELET OR SIMILAR PERSONAL LOCATOR DEVICE TO ANY DEPARTMENT, OFFICE, OR AGENCY THAT IS INVOLVED IN THE CARE AND/OR HOUSING OF A VULNERABLE OR AGING PERSON. THE STATE POLICE SHALL ALSO MAKE SUCH LOCATOR DEVICES AVAILABLE, AT COST, TO ANY PRIVATE VULNERABLE OR AGING INDIVIDUAL. THE STATE SHALL PROVIDE PAYMENT OR A SUBSIDY FOR ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR DEVICE.

3. THE LOCATOR DEVICE USED IN CONJUNCTION WITH THIS PROGRAM MUST RELY UPON THE USE OF RADIODETERMINATION TECHNOLOGY RATHER THAN A GLOBAL POSITIONING SYSTEM OR SATELLITE NAVIGATION SYSTEM.

4. THE STATE POLICE OR OTHER LAW ENFORCEMENT, SHALL APPROVE AND DESIGNATE PRIVATE ORGANIZATIONS WHO ARE AUTHORIZED TO DISSEMINATE SUCH LOCATOR BRACELETS OR DEVICES FOR USE BY AGING OR VULNERABLE INDIVIDUALS.

S 6. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the timely implementation of this act on its effective date is hereby authorized to be made on or before such effective date.