

5622

2013-2014 Regular Sessions

I N S E N A T E

May 29, 2013

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, and the social services law, in relation to the cross check of social services applicants against the terrorist screening database

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

1 Section 1. The executive law is amended by adding a new section 719 to
2 read as follows:
3 S 719. TERRORIST SCREENING DATABASE SUPPORT COUNCIL. THERE SHALL HERE-
4 BY BE ESTABLISHED A TERRORIST SCREENING DATABASE SUPPORT COUNCIL WHICH
5 SHALL CONSIST OF THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY
6 AND EMERGENCY SERVICES, WHO SHALL BE ITS CHAIR, THE SUPERINTENDENT OF
7 THE DIVISION OF THE STATE POLICE, THE COMMISSIONER OF THE DIVISION OF
8 CRIMINAL JUSTICE SERVICES, THE COMMISSIONER OF THE OFFICE OF TEMPORARY
9 AND DISABILITY ASSISTANCE, AND THE COMMISSIONER OF CHILDREN AND FAMILY
10 SERVICES. THE COUNCIL SHALL BE STAFFED BY EMPLOYEES OF THE RESPECTIVE
11 AGENCIES REPRESENTED ON THE COUNCIL, AS DIRECTED BY THE MEMBERS OF THE
12 COUNCIL. IT SHALL BE THE PURPOSE OF THE COUNCIL TO PROVIDE ANY ASSIST-
13 ANCE NEEDED BY LOCAL GOVERNMENTS, INCLUDING THEIR LAW ENFORCEMENT ENTI-
14 TIES AND SOCIAL SERVICES DISTRICTS, TO OBTAIN INFORMATION FROM THE
15 TERRORIST SCREENING CENTER, OPERATED BY THE FEDERAL BUREAU OF INVESTI-
16 GATION, WITH RESPECT TO INDIVIDUALS CONTAINED ON THE TERRORIST SCREENING
17 DATABASE.
18 S 2. Section 65 of the social services law is amended by adding a new
19 subdivision 5 to read as follows:
20 5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO
21 COUNTY SHALL PROVIDE ANY SOCIAL SERVICE TO ANY PERSON, OTHER THAN EMER-
22 GENCY MEDICAL TREATMENT OR PAYMENT THEREFORE, IF SUCH PERSON APPLYING
23 FOR SUCH SOCIAL SERVICE HAS NOT RECEIVED TERRORIST SCREENING CLEARANCE

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

LBD11293-01-3

1 FROM THE TERRORIST SCREENING DATABASE SUPPORT COUNCIL, ESTABLISHED
2 PURSUANT TO SECTION SEVEN HUNDRED NINETEEN OF THE EXECUTIVE LAW. UPON
3 APPLICATION FOR ANY SOCIAL SERVICE, THE COUNTY SOCIAL SERVICES COMMIS-
4 SIONER SHALL CAUSE TO BE FORWARDED TO THE TERRORIST SCREENING DATABASE
5 SUPPORT COUNCIL, THE NAME AND NECESSARY INFORMATION OF SUCH PERSON
6 APPLYING FOR SUCH SOCIAL SERVICE. UPON RECEIPT OF THE NAME AND NECESSARY
7 INFORMATION OF SUCH PERSON, THE TERRORIST SCREENING DATABASE SUPPORT
8 COUNCIL SHALL CONTACT THE TERRORIST SCREENING CENTER, OPERATED BY THE
9 FEDERAL BUREAU OF INVESTIGATION, TO DETERMINE, PURSUANT TO A CROSS CHECK
10 WITH THE TERRORIST SCREENING DATABASE, IF SUCH PERSON APPLYING FOR THE
11 SOCIAL SERVICE IS LISTED UPON THE TERRORIST SCREENING DATABASE. IN THE
12 EVENT SUCH PERSON APPLYING FOR THE SOCIAL SERVICE RESIDES WITH OTHER
13 PERSONS, THE COUNTY SOCIAL SERVICES COMMISSIONER SHALL CAUSE TO BE
14 FORWARDED TO THE TERRORIST SCREENING DATABASE SUPPORT COUNCIL, FOR CROSS
15 CHECK WITH THE TERRORIST SCREENING DATABASE, THE NAME AND NECESSARY
16 INFORMATION OF THE APPLICANT, AND THE NAMES AND THE NECESSARY INFORMA-
17 TION OF ALL PERSONS WHO RESIDE WITH SUCH APPLICANT. IF IT IS DETERMINED
18 UPON SUCH CROSS CHECK, THAT THE APPLICANT, AND ALL PERSONS WHO RESIDE
19 WITH SUCH APPLICANT, DO NOT HAVE THEIR NAME CONTAINED ON THE TERRORIST
20 SCREENING DATABASE, THEN THE TERRORIST SCREENING DATABASE SUPPORT COUN-
21 CIL SHALL IMMEDIATELY PROVIDE THE COUNTY SOCIAL SERVICES COMMISSIONER
22 WITH A CLEARANCE CERTIFICATION THAT SUCH PERSONS DO NOT HAVE THEIR NAMES
23 CONTAINED ON THE TERRORIST SCREENING DATABASE. IF IT IS DETERMINED UPON
24 SUCH CROSS CHECK PERFORMED BY THE TERRORIST SCREENING CENTER, HOWEVER,
25 THAT THE APPLICANT, OR ANY PERSON RESIDING WITH THE APPLICANT, IS IN
26 FACT LISTED UPON THE TERRORIST SCREENING DATABASE, THEN THE TERRORIST
27 SCREENING DATABASE SUPPORT COUNCIL SHALL NOT PROVIDE THE COUNTY SOCIAL
28 SERVICES COMMISSIONER WITH A CLEARANCE CERTIFICATION AND SUCH APPLICANT
29 SHALL BE DENIED THE SOCIAL SERVICE SOUGHT.

30 S 3. This act shall take effect immediately.