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I N   S E N A T E

January 8, 2016

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Introduced by Sen. AMEDORE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the social services law, in relation to the statewide central register of child abuse and maltreatment; and to repeal certain provisions of such law relating thereto

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

1     Section 1. Subdivision 9 of section 412 of the social services law, as  
2     added by chapter 436 of the laws of 2015, is REPEALED.

3     S 2. Subparagraph (1) of paragraph (A) of subdivision 4 of section 422  
4     of the social services law, as amended by chapter 436 of the laws of  
5     2015, is amended to read as follows:

6     (1) a criminal justice agency, WHICH FOR THE PURPOSES OF THIS SUBDIVI-  
7     SION SHALL MEAN A DISTRICT ATTORNEY, AN ASSISTANT DISTRICT ATTORNEY OR  
8     AN INVESTIGATOR EMPLOYED IN THE OFFICE OF A DISTRICT ATTORNEY; A SWORN  
9     OFFICER OF THE DIVISION OF STATE POLICE, OF THE REGIONAL STATE PARK  
10    POLICE, OF A COUNTY DEPARTMENT OF PARKS, OF A CITY POLICE DEPARTMENT, OR  
11    OF A COUNTY, TOWN OR VILLAGE POLICE DEPARTMENT OR COUNTY SHERIFF'S  
12    OFFICE OR DEPARTMENT; OR AN INDIAN POLICE OFFICER, when:

13    (i) such CRIMINAL JUSTICE agency requests such information stating  
14    that such information is necessary to conduct a criminal investigation  
15    or criminal prosecution of a person, that there is reasonable cause to  
16    believe that such person is the subject of a report, and that it is  
17    reasonable to believe that due to the nature of the crime under investi-  
18    gation or prosecution, such person is the subject of a report, and that  
19    it is reasonable to believe that due to that nature of the crime under  
20    investigation or prosecution, such records may be related to the crimi-  
21    nal investigation or prosecution; or

22    (ii) such CRIMINAL JUSTICE agency REQUESTS SUCH INFORMATION STATING  
23    THAT: SUCH AGENCY is conducting an investigation of a missing child  
24    [where]; such agency has reason to suspect such child's parent, guardian  
25    or other person legally responsible for such child is OR MAY BE the  
26    subject of a report, or, such child or such child's sibling is OR MAY BE  
27    another person named in a report of child abuse or maltreatment and that

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

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1 ANY such information is OR MAY BE needed to further such investigation[.  
2 If, upon an initial determination made by the office of children and  
3 family services or local social services district pursuant to this  
4 clause, it is determined that such reports, information or photographs  
5 are not available to such criminal justice agency pursuant to this  
6 subdivision, the criminal justice agency conducting the investigation  
7 may contact the office of children and family services and request an  
8 immediate administrative review by a supervisor or designated employee,  
9 as applicable, pursuant to paragraph (E) of this subdivision. The local  
10 social services district shall provide the criminal justice agency with  
11 the most expedient and appropriate method to contact the office of chil-  
12 dren and family services in order to request such review. Once such  
13 request is received, and after consultation with the requesting criminal  
14 justice agency, the individual designated pursuant to paragraph (E) of  
15 this subdivision shall immediately review the request and determine de  
16 novo whether the provisions of this clause apply and, therefore, access  
17 to the requested materials should be granted. If it is determined that  
18 the criminal justice agency may have access to the requested materials,  
19 such materials shall be supplied by the office of children and family  
20 services or directed to be supplied by the local social services  
21 district in possession of such materials immediately after the  
22 completion of such administrative review];

23 S 3. Paragraph (E) of subdivision 4 of section 422 of the social  
24 services law, as added by chapter 436 of the laws of 2015, is REPEALED.

25 S 4. This act shall take effect on the same date and in the same  
26 manner as chapter 436 of the laws of 2015, takes effect.