STATE OF NEW YORK

10139

IN ASSEMBLY

February 6, 2026

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on People with Disabilities

AN ACT to amend the mental hygiene law, in relation to duties of providers of services for the developmentally disabled

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The mental hygiene law is amended by adding a new section 16.39 to read as follows:

§ 16.39 Electronic monitoring devices.

(a) (i) Electronic monitoring devices with sound capability shall be installed in all public common areas including, but not limited to, all common living areas, dining areas, hallways, classrooms and time-out rooms in all group homes, residential and day schools and programs licensed, certified, funded or operated by the office which provide services for children or adults with mental or physical disabilities.

(ii) All public common areas including, but not limited to, all common living areas, dining areas, hallways, classrooms and time-out rooms of a facility providing residential care to youth which is operated, licensed or certified by the office of children and family services, or which is subject to the supervision of such office shall be equipped with electronic monitoring devices with sound capability.

(iii) A conspicuous notice shall be posted in all subject facilities advising individuals entering that video and sound is being captured.

(b) In all residential facilities statewide for children with mental disabilities certified, licensed, funded or operated by the office, every resident or their parent or guardian may install, operate, and maintain an electronic monitoring device in such resident's bedroom at their own expense, provided, however, that:

(i) the resident is in a single occupancy bedroom;

(ii) such resident or such resident's parent or guardian notifies the facility that an electronic monitoring device is monitoring the resident's bedroom, and whether the electronic monitoring device captures video, audio, or a combination thereof; and

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

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(iii) if the electronic monitoring device captures audio, a notice shall be posted by the facility in a conspicuous place advising individuals entering the room that audio is being captured.

(c) Any provider that fails to implement the provisions of this section shall be subjected to a fine of one thousand dollars per day of noncompliance.

(d) For the purposes of this section, the term "electronic monitoring device" means a surveillance instrument with a video camera or an audio recording device, or a combination thereof, which transmits to a specific recipient or records activity or sounds occurring in the space.

§ 2. This act shall take effect one year after it shall have become a law.