

# STATE OF NEW YORK

4791

2025-2026 Regular Sessions

## IN SENATE

February 12, 2025

Introduced by Sens. SANDERS, JACKSON -- read twice and ordered printed,  
and when printed to be committed to the Committee on Crime Victims,  
Crime and Correction

AN ACT to amend the executive law, in relation to enacting "Destini  
Smothers' law" to require collaboration between law enforcement agen-  
cies in missing persons investigations and to provide support for  
relatives of such missing persons

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

1 Section 1. This act shall be known and may be cited as "Destini Smoth-  
2 ers' law".  
3 § 2. Section 640 of the executive law is amended by adding a new  
4 subdivision 3 to read as follows:  
5 3. (a) For the purposes of this article, the term "crime victim" shall  
6 include a relative of a missing person as defined in paragraph (c) of  
7 this subdivision.  
8 (b) "Missing person" shall include a "missing child" as defined in  
9 section eight hundred thirty-seven-e of this chapter, a "missing vulner-  
10 able adult" as defined in section eight hundred thirty-seven-f-1 of this  
11 chapter, and a "missing adult" as defined in section eight hundred thir-  
12 ty-seven-f-2 of this chapter, who is missing under circumstances where  
13 there is a reasonable concern for such person's safety or whose disap-  
14 pearance has been determined by law enforcement to have been involun-  
15 tary.  
16 (c) "Relative of a missing person" means (i) any person related to a  
17 missing person as defined in paragraph (b) of this subdivision within  
18 the third degree of consanguinity or affinity; (ii) any person maintain-  
19 ing a sexual relationship with such missing person; or (iii) any person  
20 residing in the same household with such missing person; provided,  
21 however, that such term shall not apply to any such person whom the  
22 investigating law enforcement agency reasonably suspects to have been

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

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1 involved in the missing person's disappearance; (iv) who has been  
2 convicted of a family offense as defined in subdivision one of section  
3 530.11 of the criminal procedure law or section eight hundred twelve of  
4 the family court act committed against the missing person; (v) is the  
5 defendant or respondent or both in any family offense proceeding pending  
6 in criminal court or family court where the family offense is alleged to  
7 have been committed against the missing person; (vi) is or has been the  
8 subject of an order of protection in favor of the missing person; or  
9 (vii) whom the law enforcement agency has reasonable cause to believe  
10 has perpetrated a family offense or otherwise committed an act or acts  
11 of domestic violence against the missing person, regardless of whether  
12 any prosecution, family offense proceeding, or conviction resulted from  
13 such conduct.

14 (d) All fair treatment standards and criteria required pursuant to  
15 this article, and any services and supports provided to crime victims in  
16 connection therewith, shall be available to relatives of missing persons  
17 to the extent such fair treatment standards are applicable at the rele-  
18 vant stage of a missing persons investigation.

19 § 3. Paragraph (b) of subdivision 1 of section 641 of the executive  
20 law, as added by chapter 94 of the laws of 1984, is amended to read as  
21 follows:

22 (b) availability of appropriate public or private programs that  
23 provide counseling, treatment or support for crime victims, including  
24 but not limited to the following: rape crisis centers, victim/witness  
25 assistance programs, elderly victim services, trauma-informed inter-  
26 vention services, emotional support services, mental health care  
27 services, victim assistance hotlines and domestic violence [~~shelters~~]  
28 residential and non-residential services;

29 § 4. Subdivision 5 of section 642 of the executive law, as amended by  
30 chapter 263 of the laws of 1986, is amended to read as follows:

31 5. Victim assistance education and training, with special consider-  
32 ation to be given to victims of domestic violence, sex offense victims,  
33 sex trafficking victims, elderly victims, child victims, relatives of  
34 missing persons, and the families of homicide victims, shall be given to  
35 persons taking courses at state law enforcement training facilities and  
36 by district attorneys so that victims may be promptly, properly and  
37 completely assisted.

38 § 5. The executive law is amended by adding a new section 837-f-3 to  
39 read as follows:

40 § 837-f-3. Law enforcement collaboration in missing persons investi-  
41 gations. 1. The division shall, on or before January first, two thousand  
42 twenty-seven, in consultation with the division of state police, every  
43 police agency in this state, every district attorney in this state, and  
44 such other qualified agencies and community-based organizations the  
45 department deems appropriate, develop, adopt, implement and thereafter  
46 annually update a uniform plan for collaboration between police agencies  
47 in missing persons investigations. Such plan shall involve a pro-active,  
48 coordinated response, planned in advance, that is triggered immediately  
49 upon confirmation by a police officer, peace officer or police agency of  
50 a report of a missing person.

51 2. Such plans shall, at a minimum, require that:

52 (a) the name of the missing person, a description of the person and  
53 other pertinent information be immediately dispatched over the police  
54 communication system to all local and state agencies;

55 (b) there shall be no presumption that persons between the ages of  
56 nineteen and sixty-four are not missing;

1 (c) the agency shall ascertain whether the missing person is or has  
2 been the victim of a family offense as defined in subdivision one of  
3 section 530.11 of the criminal procedure law or section eight hundred  
4 twelve of the family court act, and if so, the agency shall immediately  
5 transmit such information along with any records in its possession  
6 relating thereto to every local and state agency, and shall immediately  
7 request and obtain any such records in the possession of another local  
8 or state agency;

9 (d) relatives of missing persons are provided with the services and  
10 information required to be given to crime victims pursuant to section  
11 six hundred forty-one of this chapter; and

12 (e) routine notification of relatives of missing persons of the status  
13 of the missing persons investigation, to the extent such information  
14 will not jeopardize the investigation or the safety of the missing  
15 person or another person, provided that an initial notification is made  
16 no later than seven days after the person goes missing and then weekly  
17 thereafter; provided, however, if no new information is available,  
18 future notifications should occur when such new information becomes  
19 available.

20 3. Police agencies not connected with the basic police communication  
21 system in use in such jurisdiction shall transmit such information to  
22 the nearest or most convenient teletypewriter point, from which point it  
23 shall be immediately dispatched, in conformity with the orders, rules or  
24 regulations governing the system.

25 4. In the event that a police agency receives a report of an adult  
26 missing person as defined in section eight hundred thirty-seven-f-2 of  
27 this article and such agency knows or has reasonable cause to believe  
28 that such missing adult person is or has been the victim of a family  
29 offense as defined in subdivision one of section 530.11 of the criminal  
30 procedure law or section eight hundred twelve of the family court act,  
31 or has otherwise been the victim of domestic violence, regardless of  
32 whether any family offense proceeding or criminal prosecution was  
33 commenced, there shall be a presumption that such person is missing  
34 under circumstances where there is a reasonable concern for such  
35 person's safety.

36 5. No dispatch or transmission of a report concerning missing persons  
37 shall be required by such plan if the investigating police department  
38 determines that the release of such information would jeopardize the  
39 investigation or the safety of the person, or otherwise requires  
40 forbearance.

41 § 6. This act shall take effect January 1, 2027. Effective immediate-  
42 ly, the addition, amendment and/or repeal of any rule or regulation  
43 necessary for the implementation of this act on its effective date are  
44 authorized to be made and completed on or before such effective date.