S T A T E O F N E W Y O R K

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I N A S S E M B L Y

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Introduced by M. of A. ERRIGO, ALFANO, BARRA, KOLB, TEDISCO, TOBACCO, WALKER, FINCH -- Multi-Sponsored by -- M. of A. JORDAN, McKEVITT, MOLINARO, SPANO, TOWNSEND -- read once and referred to the Committee on Children and Families

AN ACT to amend the executive law, the tax law and the state finance law, in relation to missing children and persons

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

Section 1. Section 837-m of the executive law, as added by chapter 579 of the laws of 1997, is amended to read as follows:

S 837-m. Reporting duties of law enforcement departments with respect to missing children AND PERSONS. The chief of every police department, each county sheriff and the superintendent of state police shall report, at least semi-annually, to the division with respect to specified cases of missing children AND PERSONS that are closed. Such reports shall be in the form and manner prescribed by the division and shall contain such information as the division deems necessary including, but not limited to, information regarding recovered children AND PERSONS who were arrested, children AND PERSONS who were the victims of criminal activity or exploitation, and children AND PERSONS who were found deceased and information regarding the alleged abductor or killer of such children AND PERSONS.

S 2. Section 628 of the tax law, as added by chapter 579 of the laws of 1997, is amended to read as follows:

S 628. Gift for missing and exploited children AND PERSONS clearinghouse fund. Effective for any tax year commencing on or after January first, nineteen hundred ninety-seven, an individual in any taxable year may elect to contribute to the missing and exploited children AND PERSONS clearinghouse fund. Such contribution shall be in any whole dollar amount and shall not reduce the amount of state tax owed by such individual. The commissioner shall include space on the personal income

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

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tax return form to enable a taxpayer to make such contribution. Notwithstanding any other provision of law, all revenues collected pursuant to this section shall be paid to the missing and exploited children AND PERSONS clearinghouse fund established pursuant to and used only for those purposes enumerated in section ninety-two-w of the state finance law.

S 3. Section 92-w of the state finance law, as added by chapter 530 of the laws of 1994, subdivision 2 as amended by chapter 579 of the laws of 1997, is amended to read as follows:

S 92-w. Missing and exploited children AND PERSONS clearinghouse fund. 1. A special fund to be known as the "missing and exploited children AND PERSONS clearinghouse fund" is hereby established in the custody of the state comptroller and the commissioner of taxation and finance.

2. The fund shall consist of all monies transferred to such fund pursuant to law, all monies required by any provision of law to be paid into or credited to the fund, all moneys from gifts pursuant to section six hundred twenty-eight of the tax law and any interest earnings which may accrue from the investment of monies in the fund. Nothing contained herein shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

3. Monies of the fund, when allocated, shall be available to the division of criminal justice services for the enhancement of public information and prevention education efforts including production of print, video and radio advertising materials, brochures, pamphlets and outdoor advertising, or for any other activity or purpose that will aid in the prevention of the exploitation of children AND PERSONS or in the recovery of missing and exploited children AND PERSONS, as deemed necessary by the missing and exploited children AND PERSONS clearinghouse created pursuant to section eight hundred thirty-seven-f of the executive law.

4. Monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the director of the division of criminal justice services.

S 4. Section 837-f of the executive law, as added by chapter 880 of the laws of 1986, subdivision 10-a as added by chapter 600 of the laws of 1997, subdivision 12 as amended by chapter 579 of the laws of 1997, subdivision 14 as amended by chapter 381 of the laws of 2004 and paragraph (c) of subdivision 14 as amended by chapter 348 of the laws of 2005, is amended to read as follows:

S 837-f. Missing and exploited children AND PERSONS clearinghouse. There is hereby established within the division a missing and exploited children AND PERSONS clearinghouse to provide a comprehensive and coordinated approach to the tragic problems of missing and exploited children AND PERSONS. In addition to the activities of the statewide central register for missing children AND PERSONS, the commissioner shall be authorized to:

1. Plan and implement programs to ensure the most effective use of federal, state and local resources in the investigation of missing and exploited children AND PERSONS;

2. Exchange information and resources with other states, and within New York state, concerning missing and exploited children AND PERSONS;

3. Establish a case data base which will include nonidentifying information on reported children AND PERSONS and facts developed in the phases of a search, and analyze such data for the purposes of: assisting law enforcement in their current investigations of missing and exploited children AND PERSONS, developing prevention programs and increasing

understanding of the nature and extent of the problem; and share the data and analysis on a regular basis with the National Center for Missing and Exploited Children;

4. Disseminate a directory of resources to assist in the locating of missing children AND PERSONS;

5. Cooperate with public and private schools and organizations to develop education and prevention programs concerning child safety for communities, parents and children;

6. Provide assistance in returning recovered children AND PERSONS who are located out-of-state;

7. By January first, [nineteen hundred eighty-seven] TWO THOUSAND TEN arrange for the development of a curriculum for the training of law enforcement personnel investigating cases involving missing and exploited children AND PERSONS;

8. Assist federal, state and local agencies in the investigation of cases involving missing and exploited children AND PERSONS;

9. Utilize available resources to duplicate photographs and posters of children AND PERSONS reported as missing by police and with consent of parents, guardians or others legally responsible, disseminate this information throughout the state;

10. Beginning on January first, nineteen hundred eighty-seven, disseminate, on a regular basis, a bulletin containing information on children in the missing children's register to the state education department which shall then forward such bulletin to every public and private school where parents, guardians or others legally responsible for such children have given consent;

10-a. (a) By November first, [nineteen hundred ninety-seven] TWO THOUSAND TEN prescribe general guidelines to enable the state legislature and state agencies to assist in the location and recovery of missing children AND PERSONS. The guidelines shall provide information relating to:

(i) the form and manner in which materials and information pertaining to missing children AND PERSONS including but not limited to biographical data and pictures, sketches or other likenesses may be included in stationery, newsletters and other written or electronic printings;

(ii) appropriate sources from which such materials and information may be obtained;

(iii) the procedures by which such materials and information may be obtained; and

(iv) any other matter the clearinghouse considers appropriate.

(b) By January first, [nineteen hundred ninety-eight] TWO THOUSAND ELEVEN arrange for the transmission of biographical information and pictures, sketches or other likenesses of missing children AND PERSONS to state agencies, departments and the legislature to use in printings.

11. Operate a toll-free twenty-four hour hotline for the public to use to relay information concerning missing children AND PERSONS;

12. Submit an annual report to the governor and legislature regarding the activities of the clearinghouse including statistical information involving reported cases of missing children AND PERSONS pursuant to section eight hundred thirty-seven-m of this article, AS ADDED BY CHAPTER FIVE HUNDRED SEVENTY-NINE OF THE LAWS OF NINETEEN HUNDRED NINETY-SEVEN, and a summary of the division's efforts with respect to the use of monies from the missing and exploited children AND PERSONS clearinghouse fund created pursuant to section ninety-two-w of the state finance law; and

13. Take such other steps as necessary to assist in education, prevention, service provision and investigation of cases involving missing and exploited children AND PERSONS.

14. (a) In consultation with the division of state police and other appropriate agencies, develop, and regularly update and distribute, model missing child AND PERSON prompt response and notification plans, which shall be available for use, in their discretion, as appropriate, by local communities and law enforcement personnel. Such plans shall involve a pro-active, coordinated response, planned in advance, that may be promptly triggered by law enforcement personnel upon confirmation by a police officer, peace officer or police agency of a report of a missing child, as defined in subdivision one of section eight hundred thirty-seven-e of this article, OR PERSON.

(b) Such plans shall, at a minimum, provide that:

(i) the name of such missing child OR PERSON, a description of the child OR PERSON and other pertinent information may be promptly dispatched over the police communication system, pursuant to subdivision three of section two hundred twenty-one of this chapter;

(ii) such information may be immediately provided orally, electronically or by facsimile transmission to one or more radio stations and other broadcast media outlets serving the community including, but not limited to, those which have voluntarily agreed, in advance, to promptly notify other such radio stations and other broadcast media outlets in like manner;

(iii) such information may be immediately provided by electronic mail message to one or more internet service providers and commercial mobile service providers serving the community including, but not limited to, those which have voluntarily agreed, in advance, to promptly notify other such internet service providers in like manner;

(iv) participating radio stations and other participating broadcast media outlets serving the community may voluntarily agree to promptly broadcast a missing child alert providing pertinent details concerning the child's disappearance, breaking into regular programming where appropriate;

(v) participating internet service providers and commercial mobile service providers serving the community may voluntarily agree to promptly provide by electronic mail message a missing child alert providing pertinent details concerning the child's disappearance;

(vi) police agencies not connected with the basic police communication system in use in such jurisdiction may transmit such information to the nearest or most convenient electronic entry point, from which point it may be promptly dispatched, in conformity with the orders, rules or regulations governing the system; and

(vii) no dispatch or transmission of a report concerning a missing child OR PERSON shall be required by such plan if the investigating police department advises, in its discretion, that the release of such information may jeopardize the investigation or the safety of the child OR PERSON, or requests forbearance for any reason.

(c) The commissioner shall also designate a unit within the division that shall assist law enforcement agencies and representatives of radio stations, broadcast media outlets, internet service providers and commercial mobile service providers in the design, implementation and improvement of missing child OR PERSON prompt response and notification plans. Such unit shall make ongoing outreach efforts to local government entities and local law enforcement agencies to assist such entities and agencies in the implementation and operation of such plans with the

goal of implementing and operating such plans in every jurisdiction in New York state.

(d) The commissioner shall also maintain and make available to appropriate state and local law enforcement agencies up-to-date information concerning technological advances that may assist in facilitating the recovery of missing children AND PERSONS. Such information shall include, but not be limited to, technology using computer assisted imaging to "age enhance" photographs of missing children AND PERSONS, and technology that may be used to enter such photographs and other pertinent information concerning missing children AND PERSONS into a database accessible to appropriate officials and persons.

S 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.