

2056

2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

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

AN ACT to amend the executive law and the public health law, in relation to missing cognitively impaired citizens

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

1 Section 1. Section 837-f of the executive law, as added by chapter 880
2 of the laws of 1986, subdivision 10-a as added by chapter 600 of the
3 laws of 1997, subdivision 12 as amended by chapter 579 of the laws of
4 1997, subdivision 14 as amended by chapter 381 of the laws of 2004 and
5 paragraph (c) of subdivision 14 as amended by chapter 348 of the laws of
6 2005, is amended to read as follows:
7 S 837-f. Missing and exploited children AND MISSING COGNITIVELY
8 IMPAIRED CITIZENS clearinghouse. There is hereby established within the
9 division a missing and exploited children AND MISSING COGNITIVELY
10 IMPAIRED CITIZENS clearinghouse to provide a comprehensive and coordi-
11 nated approach to the tragic problems of missing and exploited children
12 AND MISSING COGNITIVELY IMPAIRED CITIZENS. In addition to the activ-
13 ities of the statewide central register for missing children AND MISSING
14 COGNITIVELY IMPAIRED CITIZENS, the commissioner shall be authorized to:
15 1. Plan and implement programs to ensure the most effective use of
16 federal, state and local resources in the investigation of missing and
17 exploited children AND MISSING COGNITIVELY IMPAIRED CITIZENS;
18 2. Exchange information and resources with other states, and within
19 New York state, concerning missing and exploited children AND MISSING
20 COGNITIVELY IMPAIRED CITIZENS;
21 3. Establish a case data base which will include nonidentifying infor-
22 mation on reported children and facts developed in the phases of a
23 search, and analyze such data for the purposes of: assisting law
24 enforcement in their current investigations of missing and exploited
25 children AND MISSING COGNITIVELY IMPAIRED CITIZENS, developing

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

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1 prevention programs and increasing understanding of the nature and
2 extent of the problem; and share the data and analysis on a regular
3 basis with the National Center for Missing and Exploited Children;

4 3-A. RESPOND WITHIN TWENTY-FOUR HOURS FROM THE MISSING COGNITIVELY
5 IMPAIRED CITIZEN BEING IDENTIFIED AS MISSING BY A FAMILY MEMBER OR CARE-
6 GIVER OR TWELVE HOURS FROM THE TIME SUCH PERSON WAS REPORTED MISSING.
7 SUCH RESPONSE SHALL BE LOCALLY AT FIRST, UNLESS THERE IS A REASON TO
8 WARRANT A STATEWIDE OR INTERSTATE RESPONSE. IN THE CASE OF A MISSING
9 COGNITIVELY IMPAIRED CITIZEN, ONLY NON-MEDICAL INFORMATION SHALL BE
10 RELEASED TO THE PUBLIC;

11 4. Disseminate a directory of resources to assist in the locating of
12 missing children AND MISSING COGNITIVELY IMPAIRED CITIZENS;

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

16 6. Provide assistance in returning recovered children AND MISSING
17 COGNITIVELY IMPAIRED CITIZENS who are located out-of-state;

18 7. By January first, nineteen hundred eighty-seven arrange for the
19 development of a curriculum for the training of law enforcement person-
20 nel investigating cases involving missing and exploited children;

21 8. Assist federal, state and local agencies in the investigation of
22 cases involving missing and exploited children AND MISSING COGNITIVELY
23 IMPAIRED CITIZENS;

24 9. Utilize available resources to duplicate photographs and posters of
25 children AND MISSING COGNITIVELY IMPAIRED CITIZENS reported as missing
26 by police and with consent of parents, guardians or others legally
27 responsible, disseminate this information throughout the state;

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

34 10-a. (a) By November first, nineteen hundred ninety-seven prescribe
35 general guidelines to enable the state legislature and state agencies to
36 assist in the location and recovery of missing children AND MISSING
37 COGNITIVELY IMPAIRED CITIZENS. The guidelines shall provide information
38 relating to: (i) the form and manner in which materials and information
39 pertaining to missing children AND MISSING COGNITIVELY IMPAIRED CITIZENS
40 including but not limited to biographical data and pictures, sketches or
41 other likenesses may be included in stationery, newsletters and other
42 written or electronic printings; (ii) appropriate sources from which
43 such materials and information may be obtained; (iii) the procedures by
44 which such materials and information may be obtained; and (iv) any other
45 matter the clearinghouse considers appropriate.

46 (b) By January first, nineteen hundred ninety-eight arrange for the
47 transmission of biographical information and pictures, sketches or other
48 likenesses of missing children AND MISSING COGNITIVELY IMPAIRED CITIZENS
49 to state agencies, departments and the legislature to use in printings.

50 11. Operate a toll-free twenty-four hour hotline for the public to use
51 to relay information concerning missing children AND MISSING COGNITIVELY
52 IMPAIRED CITIZENS;

53 12. Submit an annual report to the governor and legislature regarding
54 the activities of the clearinghouse including statistical information
55 involving reported cases of missing children pursuant to section eight
56 hundred thirty-seven-m of this article and a summary of the division's

1 efforts with respect to the use of monies from the missing and exploited
2 children clearinghouse fund created pursuant to section ninety-two-w of
3 the state finance law; [and]

4 13. Take such other steps as necessary to assist in education,
5 prevention, service provision and investigation of cases involving miss-
6 ing and exploited children AND MISSING COGNITIVELY IMPAIRED CITIZENS[.];

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

17 (b) Such plans shall, at a minimum, provide that: (i) the name of
18 such missing child AND MISSING COGNITIVELY IMPAIRED CITIZEN, a
19 description of the child and other pertinent information may be promptly
20 dispatched over the police communication system, pursuant to subdivision
21 three of section two hundred twenty-one of this chapter; (ii) such
22 information may be immediately provided orally, electronically or by
23 facsimile transmission to one or more radio stations and other broadcast
24 media outlets serving the community including, but not limited to, those
25 which have voluntarily agreed, in advance, to promptly notify other such
26 radio stations and other broadcast media outlets in like manner; (iii)
27 such information may be immediately provided by electronic mail message
28 to one or more internet service providers and commercial mobile service
29 providers serving the community including, but not limited to, those
30 which have voluntarily agreed, in advance, to promptly notify other such
31 internet service providers in like manner; (iv) participating radio
32 stations and other participating broadcast media outlets serving the
33 community may voluntarily agree to promptly broadcast a missing child
34 AND MISSING COGNITIVELY IMPAIRED CITIZEN alert providing pertinent
35 details concerning the child's OR MISSING COGNITIVELY IMPAIRED CITIZEN'S
36 disappearance, breaking into regular programming where appropriate; (v)
37 participating internet service providers and commercial mobile service
38 providers serving the community may voluntarily agree to promptly
39 provide by electronic mail message a missing child OR MISSING COGNITIVE-
40 LY IMPAIRED CITIZEN alert providing pertinent details concerning the
41 child's OR MISSING COGNITIVELY IMPAIRED CITIZEN'S disappearance; (vi)
42 police agencies not connected with the basic police communication system
43 in use in such jurisdiction may transmit such information to the nearest
44 or most convenient electronic entry point, from which point it may be
45 promptly dispatched, in conformity with the orders, rules or regulations
46 governing the system; and (vii) no dispatch or transmission of a report
47 concerning a missing child OR MISSING COGNITIVELY IMPAIRED CITIZEN shall
48 be required by such plan if the investigating police department advises,
49 in its discretion, that the release of such information may jeopardize
50 the investigation or the safety of the child OR MISSING COGNITIVELY
51 IMPAIRED CITIZEN, or requests forbearance for any reason.

52 (c) The commissioner shall also designate a unit within the division
53 that shall assist law enforcement agencies and representatives of radio
54 stations, broadcast media outlets, internet service providers and
55 commercial mobile service providers in the design, implementation and
56 improvement of missing child prompt response and notification plans.

1 Such unit shall make ongoing outreach efforts to local government enti-
2 ties and local law enforcement agencies to assist such entities and
3 agencies in the implementation and operation of such plans with the goal
4 of implementing and operating such plans in every jurisdiction in New
5 York state.

6 (d) The commissioner shall also maintain and make available to appro-
7 priate state and local law enforcement agencies up-to-date information
8 concerning technological advances that may assist in facilitating the
9 recovery of missing children OR MISSING COGNITIVELY IMPAIRED CITIZENS.
10 Such information shall include, but not be limited to, technology using
11 computer assisted imaging to "age enhance" photographs of missing chil-
12 dren, and technology that may be used to enter such photographs and
13 other pertinent information concerning missing children into a database
14 accessible to appropriate officials and persons[.];

15 15. FOR THE PURPOSES OF THIS SECTION, THE TERM "MISSING COGNITIVELY
16 IMPAIRED CITIZEN" SHALL MEAN AN INDIVIDUAL DIAGNOSED WITH ALZHEIMER'S
17 DISEASE OR OTHER DEMENTIA, AS DOCUMENTED BY A TREATING PHYSICIAN;

18 16. THE COMMISSIONER, IN CONJUNCTION WITH THE OFFICE FOR THE AGING AND
19 THE DEPARTMENT OF HEALTH, SHALL REQUIRE AND CONDUCT TRAINING AND EDUCA-
20 TION FOR LAW ENFORCEMENT PERSONNEL REGARDING THE RECOGNITION AND MANAGE-
21 MENT OF PATIENTS WITH ALZHEIMER'S DISEASE AND OTHER DEMENTIA; AND

22 17. ANY PERSONS ACTING IN GOOD FAITH SHALL HEREBY BE GRANTED IMMUNITY
23 FROM PROSECUTION.

24 S 2. Subdivision 4 of section 2004-a of the public health law is
25 amended by adding two new paragraphs (c) and (d) to read as follows:

26 (C) THE COUNCIL SHALL REVIEW AND MAKE RECOMMENDATIONS REGARDING THE
27 BEST USE OF LOCATOR TECHNOLOGY, INCLUDING THE USE OF GLOBAL POSITIONING
28 DEVICES AND OTHER SERVICES THAT ASSIST IN THE EXPEDITED LOCATION OF
29 INDIVIDUALS WITH ALZHEIMER'S DISEASE AND OTHER DEMENTIAS THAT ARE MISS-
30 ING DUE TO THE SYMPTOMS OF SUCH DISEASES.

31 (D) THE COUNCIL SHALL DEVELOP AN APPROPRIATE INFORMATION ADVISORY FOR
32 USE BY PHYSICIANS TO ALERT PATIENTS AND CAREGIVERS AS TO OPTIONS FOR
33 CARE AND LOCATOR TECHNOLOGY.

34 S 3. Severability. If any clause, sentence, paragraph, section or part
35 or this act shall be adjudged by any court of competent jurisdiction to
36 be invalid and after exhaustion of all further judicial review, the
37 judgment shall not affect, impair or invalidate the remainder thereof,
38 but shall be confined in its operation to the clause, sentence, para-
39 graph, section or part of this act directly involved in the controversy
40 in which the judgment shall have been rendered.

41 S 4. This act shall take effect on the one hundred twentieth day after
42 it shall have become a law. Effective immediately, the addition, amend-
43 ment and/or repeal of any rule or regulation necessary for the implemen-
44 tation of this act on its effective date are authorized and directed to
45 be made and completed on or before such effective date.