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

4629

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. WEINSTEIN, JOHN, LANCMAN, SWEENEY -- Multi-Sponsored by -- M. of A. AUBRY, BRENNAN, BRODSKY, CHRISTENSEN, CLARK, CYMBROWITZ, DESTITO, DINOWITZ, GALEF, GLICK, GOTTFRIED, GREENE, JAFFEE, MAGNARELLI, McENENY, ORTIZ, PAULIN, J. RIVERA, WEISENBERG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requisite training instruction for police officers for crimes involving sexual assaults; to amend the public health law, in relation to establishing a statewide telephone referral service to assist sexual offense victims and members of their families; to amend the general business law, in relation to requiring internet service providers to provide information to subscribers relating to blocking or filtering devices; and to amend the social services law, in relation to training for child protective services workers in certain instances

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

Section 1. Section 840 of the executive law is amended by adding a new subdivision 4 to read as follows:

4. THE COUNCIL SHALL PROMULGATE RULES AND REGULATIONS REQUIRING A MINIMUM OF FIFTEEN HOURS OF TRAINING AND INSTRUCTION FOR ALL POLICE OFFICERS WITH RESPECT TO CRIMES INVOLVING SEXUAL ASSAULT. SUCH TRAINING AND INSTRUCTION, WHICH SHALL BE DESIGNED AND PRESENTED IN CONSULTATION WITH THE RAPE CRISIS CENTERS EXPERIENCED IN ASSISTING VICTIMS IN THIS STATE, SHALL INCLUDE, BUT NOT BE LIMITED TO UNDERSTANDING RAPE AND SEXUAL ABUSE TRAUMA AND PSYCHOLOGICAL ISSUES CONFRONTED BY SUCH CRIME VICTIMS, COMMON ATTRIBUTES OF OFFENDERS, FAIR TREATMENT STANDARDS FOR CRIME VICTIMS PURSUANT TO ARTICLE TWENTY-THREE OF THIS CHAPTER, EVIDENCE GATHERING AND PRESERVATION ISSUES, INTERVIEW TECHNIQUES AND INFORMATION CONCERNING THE AVAILABILITY OF LOCAL SERVICES FOR THE VICTIMS OF SUCH CRIMES. ALL NEW OFFICERS SHALL RECEIVE SUCH TRAINING AND INSTRUCTION, AS PART OF THE BASIC CURRICULUM AT THE STATE POLICE ACADEMY OR AT MUNIC-

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

LBD06408-01-9

IPAL POLICE ACADEMIES, AS APPLICABLE. ALL OTHER POLICE OFFICERS SHALL BE REQUIRED TO COMPLETE SUCH TRAINING AND INSTRUCTION WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS SUBDIVISION. ALL POLICE OFFICERS SHALL COMPLETE PERIODIC RETRAINING EVERY TWO YEARS. THE COUNCIL SHALL PROMULGATE SUCH RULES AND REGULATIONS AS IT DEEMS NECESSARY CONCERNING PERIODIC RETRAINING OF POLICE OFFICERS REGARDING CRIMES INVOLVING SEXUAL ASSAULT.

S 2. Section 206 of the public health law is amended by adding a new subdivision 26 to read as follows:

26. THE COMMISSIONER SHALL IN STATE FISCAL YEARS TWO THOUSAND TEN--TWO THOUSAND ELEVEN AND TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AND THEREAFTER ESTABLISH A STATEWIDE TOLL FREE TELEPHONE REFERRAL SERVICE TO ASSIST SEXUAL OFFENSE VICTIMS AND MEMBERS OF THEIR FAMILIES, AND SHALL ADVERTISE THE AVAILABILITY OF SUCH SERVICE. SUCH SERVICE SHALL BE DESIGNED SO THAT ALL CALLS RECEIVED BY THE SERVICE ARE FORWARDED TO THE RAPE CRISIS CENTER SERVING THE JURISDICTION OR LOCATION FROM WHICH THE CALL WAS RECEIVED.

S 3. The general business law is amended by adding a new section 397-b to read as follows:

S 397-B. INTERNET SERVICE PROVIDERS; AVAILABILITY OF FILTERING DEVICES. 1. EVERY PERSON, FIRM, PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPORATION OR OTHER ENTITY WHICH PROVIDES INTERACTIVE COMPUTER SERVICE ACCESS SHALL PROVIDE SUBSCRIBERS, IN WRITING, BY FIRST CLASS REGULAR MAIL WITH WRITTEN INFORMATION DESCRIBING AVAILABLE FILTERING OPTIONS OR BLOCKING DEVICES WHICH PREVENT ACCESS BY CHILDREN OR OTHERS TO CERTAIN SITES OR TYPES OF SITES OR INFORMATION WHICH IS HARMFUL TO MINORS, AS DEFINED IN SUBDIVISION SIX OF SECTION 235.20 OF THE PENAL LAW.

2. FOR THE PURPOSES OF THIS SECTION, THE TERM:

(A) "INTERNET" MEANS COLLECTIVELY THE MYRIAD OF COMPUTER AND TELECOMMUNICATIONS FACILITIES, INCLUDING EQUIPMENT AND OPERATING SOFTWARE, WHICH COMPRISE THE INTERCONNECTED WORLD-WIDE NETWORK OF NETWORKS THAT EMPLOY THE TRANSMISSION CONTROL PROTOCOL/INTERNET PROTOCOL, OR ANY PREDECESSOR OR SUCCESSOR PROTOCOLS TO SUCH PROTOCOL, TO COMMUNICATE INFORMATION OF ALL KINDS BY WIRE OR RADIO.

(B) "INTERACTIVE COMPUTER SERVICE" MEANS THE OFFERING OF A CAPABILITY FOR WEB-BROWSING, GENERATING, ACQUIRING, STORING, TRANSFORMING, PROCESSING, RETRIEVING, UTILIZING, TRANSFERRING OR MAKING AVAILABLE INFORMATION USING COMPUTER-BASED TELECOMMUNICATIONS OR VIA MODEM TO THE INTERNET.

(C) "SUBSCRIBER" MEANS ANY REGISTERED USER OF AN INTERACTIVE COMPUTER SERVICE WHO IS ASSESSED A FEE FOR THE USE OF SUCH SERVICE OR HAS PROVIDED A MAILING ADDRESS TO SUCH INTERACTIVE COMPUTER SERVICE AS A PART OF THE USER REGISTRATION PROCESS.

S 4. The closing paragraph of subdivision 3 of section 421 of the social services law, as amended by chapter 320 of the laws of 1990, is amended to read as follows:

The [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall promulgate regulations to establish STANDARDS FOR THE DEVELOPMENT OF A TRAINING CURRICULUM FOR CHILD PROTECTIVE SERVICES WORKERS WHICH TEACHES APPROPRIATE INVESTIGATORY TECHNIQUES FOR REPORTS OF SEXUAL ABUSE AND MANDATES ON-GOING TRAINING FOR CHILD PROTECTIVE SERVICES WORKERS, standards for intervention, criteria for case closings, criteria for determining whether or not to initiate a child protective proceeding, and criteria for the formulation of treatment plans and for the delivery of child protective services including specification of the services to be classified as child protective services, which shall also apply to any society for the prevention of cruelty to children which has entered into

a currently valid contract with a local department of social services to investigate child abuse or maltreatment reports. The [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall promulgate regulations establishing minimum standards and practices for the delivery of child protective services in connection with monitoring and supervising respondents and their families as ordered by a family court pursuant to section ten hundred thirty-nine and paragraphs (i), (iii), (iv) and (v) of subdivision (a) of section ten hundred fifty-two of the family court act. Such regulations shall also require local child protective services to comply with notification requirements of the family court act in connection with such monitoring and supervisory responsibilities.

S 5. This act shall take effect on the ninetieth day after it shall have become a law.