

6150

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 26, 2009

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Introduced by M. of A. HOOPER -- Multi-Sponsored by -- M. of A. ALFANO,  
BARRA, JOHN, ZEBROWSKI -- read once and referred to the Committee on  
Codes

AN ACT to amend the social services law, in relation to establishing  
electronic monitoring devices for victims of domestic violence demon-  
stration programs in Nassau county; and providing for the repeal of  
certain provisions upon the expiration thereof

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

1     Section 1. The social services law is amended by adding a new section  
2     63 to read as follows:  
3     S 63. ELECTRONIC MONITORING DEVICES FOR VICTIMS OF DOMESTIC VIOLENCE;  
4     DEMONSTRATION PROGRAM. 1. THE SOCIAL SERVICES DISTRICT OF THE COUNTY OF  
5     NASSAU SHALL AUTHORIZE AND IMPLEMENT A PROGRAM WHICH PROVIDES ELECTRONIC  
6     MONITORING DEVICES TO ADULT AND CHILD VICTIMS OF DOMESTIC VIOLENCE, AT  
7     NO COST TO SUCH VICTIMS, PURSUANT TO THE PROVISIONS OF THIS SECTION.  
8     2. FOR THE PURPOSES OF THIS SECTION:  
9     (A) "ELECTRONIC MONITORING DEVICE" SHALL MEAN A DEVICE ABLE TO BE WORN  
10    BY AN ADULT OR CHILD, WHICH UPON ACTIVATION THEREOF NOTIFIES SUCH LOCAL  
11    EMERGENCY PERSONNEL AS SHALL BE DETERMINED BY THE SOCIAL SERVICES  
12    DISTRICT THAT SUCH ADULT OR CHILD IS AT RISK OF HARM OR HAS BEEN  
13    INJURED.  
14    (B) "VICTIM OF DOMESTIC VIOLENCE" SHALL MEAN ANY ADULT OR CHILD WHO  
15    HAS BEEN THE VICTIM OF ANY CRIMINAL OFFENSE COMMITTED BY A MEMBER OF THE  
16    SAME FAMILY OR HOUSEHOLD, AS DEFINED IN SUBDIVISION ONE OF SECTION  
17    530.11 OF THE CRIMINAL PROCEDURE LAW.  
18    3. ANY AND ALL ELECTRONIC MONITORING DEVICES NECESSARY TO IMPLEMENT  
19    THE PROVISIONS OF THIS SECTION SHALL MEET STANDARDS ESTABLISHED BY THE  
20    COMMISSIONER OF CHILDREN AND FAMILY SERVICES, AND SHALL BE PROVIDED BY  
21    THE OFFICE OF CHILDREN AND FAMILY SERVICES TO SUCH SOCIAL SERVICES  
22    DISTRICT.

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

LBD08751-01-9

1 4. THE SOCIAL SERVICES DISTRICT SHALL PROVIDE AN ELECTRONIC MONITORING  
2 DEVICE TO EACH VICTIM OF DOMESTIC VIOLENCE WHICH ANY OFFICER OR EMPLOYEE  
3 OF SUCH DISTRICT REASONABLY BELIEVES MAY COME INTO CONTACT WITH A MEMBER  
4 OF THE SAME HOUSEHOLD, AS DEFINED IN SUBDIVISION ONE OF SECTION 530.11  
5 OF THE CRIMINAL PROCEDURE LAW, WHO MAY COMMIT A CRIME AGAINST SUCH  
6 VICTIM.

7 5. EACH SUCH SOCIAL SERVICES DISTRICT SHALL COOPERATE AND CONSULT WITH  
8 THE APPROPRIATE LAW ENFORCEMENT, HEALTH CARE AND EMERGENCY-911 PERSONNEL  
9 TO ESTABLISH AND IMPLEMENT PROCEDURES FOR THE RESPONSE TO AND REPORTING  
10 OF ACTIVATIONS OF ELECTRONIC MONITORING DEVICES PURSUANT TO THIS  
11 SECTION.

12 6. EACH SUCH SOCIAL SERVICES DISTRICT SHALL, ON OR BEFORE THE  
13 FIFTEENTH DAY OF APRIL, JULY, OCTOBER AND JANUARY, SUBMIT THE FOLLOWING  
14 INFORMATION ON THE PRECEDING CALENDAR QUARTER TO THE OFFICE OF CHILDREN  
15 AND FAMILY SERVICES:

16 (A) THE NUMBER OF PERSONS PROVIDED WITH ELECTRONIC MONITORING DEVICES;

17 (B) THE NUMBER OF ACTIVATIONS OF SUCH ELECTRONIC MONITORING DEVICES;

18 (C) THE NUMBER OF ACTIVATIONS FOR WHICH THE VICTIM HAD REASONABLE  
19 GROUNDS TO DO SO;

20 (D) THE NUMBER OF ACTIVATIONS WHICH WERE GROUNDLESS;

21 (E) THE GROUNDS FOR EACH APPROPRIATE ACTIVATION OF AN ELECTRONIC MONI-  
22 TORING DEVICE, AND A BRIEF DESCRIPTION OF THE RESPONSE TO THE ACTIVATION  
23 AND THE CONDITION OF THE VICTIM; AND

24 (F) A SUMMARY OF HOW WELL SUCH PROGRAM PROVIDES PROTECTION TO VICTIMS  
25 OF DOMESTIC VIOLENCE, AND ANY RECOMMENDATIONS ON THE IMPLEMENTATION  
26 THEREOF.

27 S 2. On or before March 1, 2011, the office of children and family  
28 services shall issue a report to the governor and the legislature of its  
29 findings on the effectiveness of electronic monitoring devices in  
30 providing victims of domestic violence with increased protection against  
31 violence. Such report shall summarize the information received pursuant  
32 to subdivision 6 of section 63 of the social services law. The office of  
33 children and family services shall also make recommendations on the  
34 feasibility of implementing the electronic monitoring devices for  
35 victims of domestic violence program on a statewide basis.

36 S 3. This act shall take effect January 1, 2010, except that:

37 a. section one of this act shall expire and be deemed repealed January  
38 15, 2011; and

39 b. any rules and regulations, and any other actions necessary to  
40 implement the provisions of this act on its effective date are author-  
41 ized and directed to be completed on or before such date.