

8730--B

2009-2010 Regular Sessions

I N A S S E M B L Y

June 4, 2009

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Veterans' Affairs -- recommitted to the Committee on Veterans' Affairs in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law and the public health law, in relation to providing certain benefits to veterans; and to amend the social services law and the correction law, in relation to requiring certain reports relating to veterans

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

1 Section 1. Section 353 of the executive law is amended by adding a new  
2 subdivision 20 to read as follows:

3 20. TO DEVELOP, IN CONSULTATION WITH THE DEPARTMENT OF MENTAL HEALTH,  
4 A PROGRAM FOR THE IDENTIFICATION, DIAGNOSIS, COUNSELING AND TREATMENT OF  
5 VETERANS WHO SUFFER FROM POST-TRAUMATIC STRESS DISORDER, TRAUMATIC BRAIN  
6 INJURY AND OTHER BRAIN-RELATED INJURIES. SUCH PROGRAM SHALL INCLUDE  
7 PROCEDURES FOR IDENTIFYING VETERANS WHO MAY NEED ASSISTANCE AND INFORMA-  
8 TION AND OUTREACH TO MAKE VETERANS AWARE OF AVAILABLE PROGRAMS AND  
9 SERVICES.

10 S 2. The executive law is amended by adding a new section 353-a to  
11 read as follows:

12 S 353-A. IDENTIFYING HOMELESSNESS AMONG VETERANS. 1. LOCAL SOCIAL  
13 SERVICES DISTRICTS AND SHELTERS RUN BY NON-FOR-PROFIT ORGANIZATIONS IN  
14 EACH COUNTY, SHALL COLLECT INFORMATION IDENTIFYING VETERANS AND SPOUSES  
15 OF VETERANS WHO ARE IN A HOMELESS FACILITY. SUCH DATA SHALL BE COLLECTED  
16 QUARTERLY AND SUBMITTED TO THE DIVISION. THE DIVISION SHALL TRANSMIT  
17 SUCH INFORMATION TO STATE COUNSELORS FOR REVIEW AND POTENTIAL LINKAGE TO  
18 APPLICABLE BENEFITS. STATE COUNSELORS SHALL WORK WITH COUNTY COUNSELORS  
19 OR ANY ACCREDITED SERVICE OFFICERS OF AN ORGANIZATION CHARTERED BY THE

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

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1 CONGRESS OF THE UNITED STATES AND/OR RECOGNIZED BY THE DEPARTMENT OF  
2 VETERANS AFFAIRS FOR CLAIM REPRESENTATION AS NECESSARY AND WHERE APPRO-  
3 PRIATE. SUCH INFORMATION SHALL BE PROTECTED AS PERSONAL CONFIDENTIAL  
4 INFORMATION UNDER ARTICLE SIX-A OF THE PUBLIC OFFICERS LAW AGAINST  
5 DISCLOSURE OF CONFIDENTIAL MATERIAL, AND SHALL BE USED ONLY TO ASSIST IN  
6 PROVIDING LINKAGE TO APPLICABLE BENEFITS AND ENTITLEMENTS UNDER FEDERAL  
7 AND STATE LAW.

8 2. THE DIVISION SHALL INCLUDE WITHIN THE ANNUAL REPORT AS REQUIRED BY  
9 SUBDIVISION ELEVEN OF SECTION THREE HUNDRED FIFTY-THREE OF THIS ARTICLE,  
10 AN ACCOUNTING OF INFORMATION RECEIVED FROM LOCAL SOCIAL SERVICES  
11 DISTRICTS AND SHELTERS RUN BY NOT-FOR-PROFIT ORGANIZATIONS AND THE  
12 SPECIFIC NUMBER OF VETERANS AND SPOUSES OF VETERANS LINKED TO APPLICABLE  
13 BENEFITS. SUCH REPORT SHALL EVALUATE THE AVERAGE TIME TAKEN BY THE DIVI-  
14 SION BETWEEN RECEIPT OF SUCH INFORMATION, TRANSMISSION TO VETERANS COUN-  
15 SELORS AND LINKAGE TO AVAILABLE BENEFITS. SUCH REPORT SHALL ALSO EVALU-  
16 ATE THE EFFECTIVENESS OF THE PROGRAM AND MAKE RECOMMENDATIONS FOR  
17 IMPROVEMENTS AS NECESSARY.

18 S 3. Subdivision 1 of section 3803 of the public health law, as  
19 amended by chapter 743 of the laws of 2006, is amended to read as  
20 follows:

21 1. There is hereby created within the department the veterans health  
22 care information program (referred to in this section as the "program"),  
23 which shall provide information on health issues associated with mili-  
24 tary duty, including but not limited to Agent Orange, Gulf War  
25 Syndromes, toxic materials or harmful physical agents such as, depleted  
26 uranium, and hepatitis C, AND SPECIFIC MENTAL AND PHYSICAL HEALTH ISSUES  
27 INCLUDING POST-TRAUMATIC STRESS DISORDER, TRAUMATIC BRAIN INJURY AND  
28 OTHER BRAIN-RELATED INJURIES, for veterans, their surviving spouses and  
29 health care providers.

30 S 4. Section 95 of the social services law is amended by adding a new  
31 subdivision 12 to read as follows:

32 12. THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL COLLECT  
33 DATA ON THE NUMBER OF VETERANS, AS DEFINED IN SECTION EIGHTY-FIVE OF THE  
34 CIVIL SERVICE LAW, NUMBER OF MILITARY PERSONNEL DEPLOYED FOR ACTIVE  
35 MILITARY SERVICE AS DEFINED IN SECTION ONE OF THE MILITARY LAW, AND  
36 MEMBERS OF THEIR FAMILY WHO ARE IN RECEIPT OF FOOD STAMPS OR WHO ARE  
37 PARTICIPATING IN A FOOD ASSISTANCE PROGRAM UNDER THIS SECTION. SUCH  
38 DATA SHOULD BE INCLUDED IN AN ANNUAL REPORT TO THE LEGISLATURE, NO LATER  
39 THAN DECEMBER THIRTY-FIRST OF EACH YEAR. SUCH REPORT SHALL INCLUDE BUT  
40 BE NOT LIMITED TO THE FOLLOWING INFORMATION: A BREAKDOWN OF VETERANS AND  
41 SERVICEMEMBERS BY BRANCH, THE PERIOD OF SERVICE, AND IF APPLICABLE, THE  
42 TYPE OF DISCHARGE.

43 S 5. Subdivision 1 of section 29 of the correction law, as amended by  
44 chapter 598 of the laws of 1990, is amended and a new subdivision 5 is  
45 added to read as follows:

46 1. The department shall continue to collect, maintain, and analyze  
47 statistical and other information and data with respect to persons  
48 subject to the jurisdiction of the department, including but not limited  
49 to: (a) the number of such persons: placed in the custody of the depart-  
50 ment, assigned to a specific department program, accorded temporary  
51 release, paroled or conditionally released, paroled or conditionally  
52 released and declared delinquent, recommitted to a state correctional  
53 institution upon revocation of parole or conditional release, or  
54 discharge upon maximum expiration of sentence; (b) the criminal history  
55 of such persons; (c) the social, educational, and vocational circum-  
56 stances of any such persons; [and,] (d) the institutional, parole and

1 conditional release programs and behavior of such persons; AND, (E) THE  
2 MILITARY BACKGROUND AND CIRCUMSTANCES, IF SUCH PERSON SERVED IN THE  
3 UNITED STATES ARMED FORCES. Provided, however, in the event any statis-  
4 tical information on the ethnic background of the inmate population of a  
5 correctional facility or facilities is collected by the department, such  
6 statistical information shall contain, but not be limited to, the  
7 following ethnic categories: (i) Caucasian; (ii) Asian; (iii) American  
8 Indian; (iv) Afro-American/Black; and (v) Spanish speaking/Hispanic  
9 which category shall include, but not be limited to, the following  
10 subcategories consisting of: (1) Puerto Ricans; (2) Cubans; (3) Domini-  
11 cans; and (4) other Hispanic nationalities.

12 5. THE COMMISSIONER SHALL REPORT TO THE LEGISLATURE ON THE NUMBER OF  
13 INMATES WHO ARE CURRENTLY SERVING SENTENCES IN STATE CORRECTIONAL FACIL-  
14 ITIES AND ANY LOCAL CORRECTIONAL FACILITIES WHO HAVE SERVED IN THE  
15 UNITED STATES ARMED FORCES. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMIT-  
16 ED TO THE FOLLOWING: A BREAKDOWN OF THE NUMBER OF INMATES BY BRANCH OF  
17 SERVICE, TIME PERIOD OF MILITARY SERVICE AND THE TYPE OF DISCHARGE THE  
18 INMATE RECEIVED UPON SEPARATION FROM THE MILITARY. SUCH REPORT SHALL BE  
19 DONE ANNUALLY.

20 S 6. This act shall take effect on the one hundred eightieth day after  
21 it shall have become a law; provided, that any rules and regulations  
22 necessary for the timely implementation of this act on its effective  
23 date shall be promulgated on or before such date.