

1420

2009-2010 Regular Sessions

I N S E N A T E

January 30, 2009

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed 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:

1 Section 1. Section 837-m of the executive law, as added by chapter 579
2 of the laws of 1997, is amended to read as follows:
3 S 837-m. Reporting duties of law enforcement departments with respect
4 to missing children AND PERSONS. The chief of every police department,
5 each county sheriff and the superintendent of state police shall report,
6 at least semi-annually, to the division with respect to specified cases
7 of missing children AND PERSONS that are closed. Such reports shall be
8 in the form and manner prescribed by the division and shall contain such
9 information as the division deems necessary including, but not limited
10 to, information regarding recovered children AND PERSONS who were
11 arrested, children AND PERSONS who were the victims of criminal activity
12 or exploitation, and children AND PERSONS who were found deceased and
13 information regarding the alleged abductor or killer of such children
14 AND PERSONS.
15 S 2. Section 628 of the tax law, as added by chapter 579 of the laws
16 of 1997, is amended to read as follows:
17 S 628. Gift for missing and exploited children AND PERSONS clearing-
18 house fund. Effective for any tax year commencing on or after January
19 first, nineteen hundred ninety-seven, an individual in any taxable year
20 may elect to contribute to the missing and exploited children AND
21 PERSONS clearinghouse fund. Such contribution shall be in any whole
22 dollar amount and shall not reduce the amount of state tax owed by such
23 individual. The commissioner shall include space on the personal income
24 tax return form to enable a taxpayer to make such contribution.
25 Notwithstanding any other provision of law, all revenues collected

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

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1 pursuant to this section shall be paid to the missing and exploited
2 children AND PERSONS clearinghouse fund established pursuant to and used
3 only for those purposes enumerated in section ninety-two-w of the state
4 finance law.

5 S 3. Section 92-w of the state finance law, as added by chapter 530 of
6 the laws of 1994, subdivision 2 as amended by chapter 579 of the laws of
7 1997, is amended to read as follows:

8 S 92-w. Missing and exploited children AND PERSONS clearinghouse fund.

9 1. A special fund to be known as the "missing and exploited children AND
10 PERSONS clearinghouse fund" is hereby established in the custody of the
11 state comptroller and the commissioner of taxation and finance.

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

20 3. Monies of the fund, when allocated, shall be available to the divi-
21 sion of criminal justice services for the enhancement of public informa-
22 tion and prevention education efforts including production of print,
23 video and radio advertising materials, brochures, pamphlets and outdoor
24 advertising, or for any other activity or purpose that will aid in the
25 prevention of the exploitation of children AND PERSONS or in the recov-
26 ery of missing and exploited children AND PERSONS, as deemed necessary
27 by the missing and exploited children AND PERSONS clearinghouse created
28 pursuant to section eight hundred thirty-seven-f of the executive law.

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

32 S 4. Section 837-f of the executive law, as added by chapter 880 of
33 the laws of 1986, subdivision 10-a as added by chapter 600 of the laws
34 of 1997, subdivision 12 as amended by chapter 579 of the laws of 1997,
35 subdivision 14 as amended by chapter 381 of the laws of 2004 and para-
36 graph (c) of subdivision 14 as amended by chapter 348 of the laws of
37 2005, is amended to read as follows:

38 S 837-f. Missing and exploited children AND PERSONS clearinghouse.
39 There is hereby established within the division a missing and exploited
40 children AND PERSONS clearinghouse to provide a comprehensive and coor-
41 dinated approach to the tragic problems of missing and exploited chil-
42 dren AND PERSONS. In addition to the activities of the statewide
43 central register for missing children AND PERSONS, the commissioner
44 shall be authorized to:

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

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

50 3. Establish a case data base which will include nonidentifying infor-
51 mation on reported children AND PERSONS and facts developed in the phas-
52 es of a search, and analyze such data for the purposes of: assisting law
53 enforcement in their current investigations of missing and exploited
54 children AND PERSONS, developing prevention programs and increasing
55 understanding of the nature and extent of the problem; and share the

1 data and analysis on a regular basis with the National Center for Miss-
2 ing and Exploited Children;

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

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

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

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

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

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

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

26 10-a. (a) By November first, [nineteen hundred ninety-seven] TWO THOU-
27 SAND TEN prescribe general guidelines to enable the state legislature
28 and state agencies to assist in the location and recovery of missing
29 children AND PERSONS. The guidelines shall provide information relating
30 to:

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

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

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

39 (iv) any other matter the clearinghouse considers appropriate.

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

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

46 12. Submit an annual report to the governor and legislature regarding
47 the activities of the clearinghouse including statistical information
48 involving reported cases of missing children AND PERSONS pursuant to
49 section eight hundred thirty-seven-m of this article, AS ADDED BY CHAP-
50 TER FIVE HUNDRED SEVENTY-NINE OF THE LAWS OF NINETEEN HUNDRED
51 NINETY-SEVEN, and a summary of the division's efforts with respect to
52 the use of monies from the missing and exploited children AND PERSONS
53 clearinghouse fund created pursuant to section ninety-two-w of the state
54 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

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

3 (d) The commissioner shall also maintain and make available to appro-
4 priate state and local law enforcement agencies up-to-date information
5 concerning technological advances that may assist in facilitating the
6 recovery of missing children AND PERSONS. Such information shall
7 include, but not be limited to, technology using computer assisted imag-
8 ing to "age enhance" photographs of missing children AND PERSONS, and
9 technology that may be used to enter such photographs and other perti-
10 nent information concerning missing children AND PERSONS into a database
11 accessible to appropriate officials and persons.

12 S 5. This act shall take effect on the first of November next succeed-
13 ing the date on which it shall have become a law.