

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

2056--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to creating the missing vulnerable adults clearinghouse

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

1 Section 1. The executive law is amended by adding a new section 837-ff
2 to read as follows:
3 S 837-FF. MISSING VULNERABLE ADULTS CLEARINGHOUSE. THERE IS HEREBY
4 ESTABLISHED WITHIN THE DIVISION A MISSING VULNERABLE ADULTS CLEARING-
5 HOUSE TO PROVIDE A COMPREHENSIVE AND COORDINATED APPROACH TO THE PROBLEM
6 OF MISSING VULNERABLE ADULTS.
7 1. FOR PURPOSES OF THIS SECTION:
8 (A) "VULNERABLE ADULT" SHALL MEAN AN INDIVIDUAL EIGHTEEN YEARS OF AGE
9 OR OLDER WHO HAS BEEN DIAGNOSED BY A PHYSICIAN AS BEING VULNERABLE OR
10 WHO HAS BEEN DESCRIBED AS VULNERABLE BY THE INDIVIDUAL MAKING THE
11 REPORT.
12 (B) "VULNERABLE" SHALL DESCRIBE A PERSON WITH ANY COGNITIVE IMPAIR-
13 MENT, MENTAL DISABILITY, OR BRAIN DISORDER.
14 (C) "MISSING VULNERABLE ADULT ALERT" SHALL MEAN A METHOD TO DISSEM-
15 INATE INFORMATION REGARDING A MISSING VULNERABLE ADULT TO THE GENERAL
16 PUBLIC. SUCH ALERTS SHALL PROVIDE NO MEDICAL INFORMATION AND IN NO WAY
17 INDICATE THAT THE MISSING PERSON IS VULNERABLE. FOR THE PURPOSES OF
18 NOTIFICATIONS TO THE PUBLIC PURSUANT TO SUBDIVISION TWO OF THIS SECTION,
19 THE ALERT SHALL BE TITLED "JADE ALERT".
20 2. THE COMMISSIONER SHALL BE AUTHORIZED TO:
21 (A) PLAN AND IMPLEMENT PROGRAMS TO ENSURE THE MOST EFFECTIVE USE OF
22 FEDERAL, STATE, AND LOCAL RESOURCES IN THE INVESTIGATION OF MISSING
23 VULNERABLE ADULTS;

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

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1 (B) DISSEMINATE A DIRECTORY OF RESOURCES TO ASSIST IN LOCATING MISSING
2 VULNERABLE ADULTS;

3 (C) COOPERATE WITH THE DEPARTMENT OF HEALTH, OFFICE OF MENTAL HEALTH,
4 OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, OFFICE FOR
5 THE AGING, AND OTHER PUBLIC AND PRIVATE ORGANIZATIONS TO DEVELOP EDUCA-
6 TION AND PREVENTION PROGRAMS CONCERNING THE SAFETY OF VULNERABLE ADULTS;

7 (D) ASSIST FEDERAL, STATE, AND LOCAL AGENCIES IN THE INVESTIGATION OF
8 CASES INVOLVING MISSING VULNERABLE ADULTS;

9 (E) UTILIZE AVAILABLE RESOURCES TO DUPLICATE PHOTOGRAPHS AND POSTERS
10 OF VULNERABLE ADULTS REPORTED AS MISSING BY POLICE AND DISSEMINATE THIS
11 INFORMATION THROUGHOUT THE STATE PROVIDING SUCH POSTERS INDICATE ONLY
12 THAT THE ADULT IS MISSING WITH NO MENTION OF VULNERABILITY;

13 (F) PROVIDE ASSISTANCE IN RETURNING MISSING VULNERABLE ADULTS WHO ARE
14 LOCATED OUT OF STATE;

15 (G) DEVELOP A CURRICULUM FOR THE TRAINING OF LAW ENFORCEMENT PERSONNEL
16 INVESTIGATING CASES INVOLVING MISSING VULNERABLE ADULTS, INCLUDING
17 RECOGNITION AND MANAGEMENT OF VULNERABLE ADULTS;

18 (H) OPERATE A TOLL-FREE TWENTY-FOUR HOUR HOTLINE FOR THE PUBLIC TO USE
19 TO RELAY INFORMATION CONCERNING MISSING VULNERABLE ADULTS;

20 (I) MAINTAIN AND MAKE AVAILABLE TO APPROPRIATE STATE AND LOCAL LAW
21 ENFORCEMENT AGENCIES INFORMATION CONCERNING TECHNOLOGICAL ADVANCES THAT
22 MAY ASSIST IN FACILITATING THE RECOVERY OF MISSING VULNERABLE ADULTS;

23 (J) TAKE SUCH OTHER STEPS AS NECESSARY TO ASSIST IN EDUCATION,
24 PREVENTION, SERVICE PROVISION, AND INVESTIGATION OF CASES INVOLVING
25 MISSING VULNERABLE ADULTS;

26 (K) (1) IN CONSULTATION WITH THE DIVISION OF STATE POLICE AND OTHER
27 APPROPRIATE AGENCIES, DEVELOP, REGULARLY UPDATE, AND DISTRIBUTE MODEL
28 MISSING VULNERABLE ADULT PROMPT RESPONSE AND NOTIFICATION PLANS. SUCH
29 PLANS SHALL BE AVAILABLE FOR USE BY LOCAL COMMUNITIES AND LAW ENFORCE-
30 MENT PERSONNEL AND SHALL INVOLVE A PRO-ACTIVE, COORDINATED RESPONSE THAT
31 MAY BE PROMPTLY TRIGGERED BY LAW ENFORCEMENT PERSONNEL UPON CONFIRMATION
32 BY A POLICE OFFICER, PEACE OFFICER, OR POLICE AGENCY OF A REPORT OF A
33 MISSING VULNERABLE ADULT AS DEFINED IN SUBDIVISION ONE OF THIS SECTION.

34 (2) SUCH PLANS SHALL, AT A MINIMUM, PROVIDE THAT: (A) THE NAME OF THE
35 MISSING VULNERABLE ADULT, A DESCRIPTION OF THE MISSING INDIVIDUAL, AND
36 OTHER PERTINENT INFORMATION MAY BE PROMPTLY DISPATCHED OVER THE POLICE
37 COMMUNICATION SYSTEM PURSUANT TO SUBDIVISION THREE OF SECTION TWO
38 HUNDRED TWENTY-ONE OF THIS CHAPTER; (B) SUCH INFORMATION MAY BE IMME-
39 DIATELY PROVIDED, IN SUCH A MANNER AS TO ENSURE THAT IT IS NOT REVEALED
40 TO THE PUBLIC THAT THE MISSING PERSON IS VULNERABLE, (I) ORALLY, ELEC-
41 TRONICALLY, OR BY FACSIMILE TRANSMISSION TO ONE OR MORE RADIO STATIONS
42 AND OTHER BROADCAST MEDIA OUTLETS SERVING THE COMMUNITY INCLUDING, BUT
43 NOT LIMITED TO, THOSE WHO HAVE VOLUNTARILY AGREED IN ADVANCE TO PROMPTLY
44 NOTIFY OTHER SUCH RADIO STATIONS AND BROADCAST MEDIA OUTLETS IN LIKE
45 MANNER AND (II) BY ELECTRONIC MAIL MESSAGE TO ONE OR MORE INTERNET
46 SERVICE PROVIDERS AND COMMERCIAL MOBILE SERVICE PROVIDERS SERVING THE
47 COMMUNITY INCLUDING, BUT NOT LIMITED TO, THOSE WHICH HAVE VOLUNTARILY
48 AGREED IN ADVANCE TO PROMPTLY NOTIFY OTHER SUCH INTERNET SERVICE PROVID-
49 ERS IN LIKE MANNER; (C) PARTICIPATING RADIO STATIONS AND OTHER PARTIC-
50 IPATING BROADCAST MEDIA OUTLETS SERVING THE COMMUNITY MAY VOLUNTARILY
51 AGREE TO PROMPTLY BROADCAST A MISSING VULNERABLE ADULT ALERT PROVIDING
52 PERTINENT DETAILS CONCERNING THE MISSING VULNERABLE ADULT'S DISAPPEAR-
53 ANCE, BREAKING INTO REGULAR PROGRAMMING WHERE APPROPRIATE; (D) PARTIC-
54 IPATING INTERNET SERVICE PROVIDERS AND COMMERCIAL MOBILE SERVICE PROVID-
55 ERS SERVING THE COMMUNITY MAY VOLUNTARILY AGREE TO PROMPTLY PROVIDE BY
56 ELECTRONIC MAIL MESSAGE A MISSING VULNERABLE ADULT ALERT PROVIDING

1 PERTINENT DETAILS CONCERNING THE MISSING VULNERABLE ADULT'S DISAPPEAR-
2 ANCE; (E) POLICE AGENCIES NOT CONNECTED WITH THE BASIC POLICE COMMUNI-
3 CATION SYSTEM IN USE IN SUCH JURISDICTION MAY TRANSMIT SUCH INFORMATION
4 TO THE NEAREST OR MOST CONVENIENT ELECTRONIC ENTRY POINT, FROM WHICH
5 POINT IT MAY BE PROMPTLY DISPATCHED IN CONFORMITY WITH THE ORDERS,
6 RULES, OR REGULATIONS GOVERNING THE SYSTEM; (F) A STATEWIDE RESPONSE
7 MUST BE INITIATED AS SOON AS LOCAL LAW ENFORCEMENT DEEMS IT IS NECESSARY
8 TO FIND THE MISSING VULNERABLE ADULT UNLESS THE INVESTIGATING POLICE
9 DEPARTMENT, IN THEIR DISCRETION, ADVISES THAT THE RELEASE OF SUCH INFOR-
10 MATION MAY JEOPARDIZE THE INVESTIGATION OR THE SAFETY OF THE MISSING
11 VULNERABLE ADULT OR THE INVESTIGATING POLICE DEPARTMENT REQUESTS
12 FORBEARANCE FOR ANY REASON.

13 (3) THE COMMISSIONER SHALL ALSO DESIGNATE A UNIT WITHIN THE DIVISION
14 THAT SHALL ASSIST LAW ENFORCEMENT AGENCIES AND REPRESENTATIVES OF RADIO
15 STATIONS, BROADCAST MEDIA OUTLETS, INTERNET SERVICE PROVIDERS, AND
16 COMMERCIAL MOBILE SERVICE PROVIDERS IN THE DESIGN, IMPLEMENTATION, AND
17 IMPROVEMENT OF MISSING VULNERABLE ADULT RESPONSE AND NOTIFICATION PLANS.
18 SUCH UNIT SHALL MAKE ONGOING OUTREACH EFFORTS TO LOCAL GOVERNMENT ENTI-
19 TIES AND LOCAL LAW ENFORCEMENT AGENCIES TO ASSIST SUCH ENTITIES AND
20 AGENCIES IN THE IMPLEMENTATION AND OPERATION OF SUCH PLANS WITH THE GOAL
21 OF IMPLEMENTING AND OPERATING SUCH PLANS IN EVERY JURISDICTION IN NEW
22 YORK STATE.

23 3. ANY INDIVIDUAL WHO KNOWINGLY MAKES A FALSE REPORT OF A MISSING
24 VULNERABLE ADULT SHALL BE GUILTY OF FALSELY REPORTING AN INCIDENT IN THE
25 THIRD DEGREE, WHICH IS PUNISHABLE BY A CLASS A MISDEMEANOR.

26 4. THE COMMISSIONER SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND
27 LEGISLATURE REGARDING THE ACTIVITIES OF THE MISSING VULNERABLE ADULTS
28 CLEARINGHOUSE INCLUDING STATISTICAL INFORMATION INVOLVING REPORTED CASES
29 OF MISSING VULNERABLE ADULTS AND A SUMMARY OF THE DIVISION'S EFFORTS
30 WITH RESPECT TO THE ACTIVITIES AUTHORIZED UNDER SUBDIVISION TWO OF THIS
31 SECTION.

32 S 2. Severability. If any clause, sentence, paragraph, section or part
33 of this act shall be adjudged by any court of competent jurisdiction to
34 be invalid and after exhaustion of all further judicial review, the
35 judgment shall not affect, impair or invalidate the remainder thereof,
36 but shall be confined in its operation to the clause, sentence, para-
37 graph, section or part of this act directly involved in the controversy
38 in which the judgment shall have been rendered.

39 S 3. This act shall take effect on the one hundred twentieth day after
40 it shall have become law. Effective immediately, the addition, amend-
41 ment, and repeal of any rule or regulation necessary for the implementa-
42 tion of this act on its effective date are authorized and directed to be
43 made and completed on or before such effective date.