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

5799--B

2009-2010 Regular Sessions

I N S E N A T E

June 5, 2009

Introduced by Sen. FOLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Veterans, Homeland Security and Military Affairs in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and 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 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

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

LBD10659-11-0

APPLICABLE BENEFITS. STATE COUNSELORS SHALL WORK WITH COUNTY COUNSELORS OR ANY ACCREDITED SERVICE OFFICERS OF AN ORGANIZATION CHARTERED BY THE CONGRESS OF THE UNITED STATES AND/OR RECOGNIZED BY THE DEPARTMENT OF VETERANS AFFAIRS FOR CLAIM REPRESENTATION AS NECESSARY AND WHERE APPROPRIATE. SUCH INFORMATION SHALL BE PROTECTED AS PERSONAL CONFIDENTIAL INFORMATION UNDER ARTICLE SIX-A OF THE PUBLIC OFFICERS LAW AGAINST DISCLOSURE OF CONFIDENTIAL MATERIAL, AND SHALL BE USED ONLY TO ASSIST IN PROVIDING LINKAGE TO APPLICABLE BENEFITS AND ENTITLEMENTS UNDER FEDERAL AND STATE LAW.

2. THE DIVISION SHALL INCLUDE WITHIN THE ANNUAL REPORT AS REQUIRED BY SUBDIVISION ELEVEN OF SECTION THREE HUNDRED FIFTY-THREE OF THIS ARTICLE, AN ACCOUNTING OF INFORMATION RECEIVED FROM LOCAL SOCIAL SERVICES DISTRICTS AND SHELTERS RUN BY NOT-FOR-PROFIT ORGANIZATIONS AND THE SPECIFIC NUMBER OF VETERANS AND SPOUSES OF VETERANS LINKED TO APPLICABLE BENEFITS. SUCH REPORT SHALL EVALUATE THE AVERAGE TIME TAKEN BY THE DIVISION BETWEEN RECEIPT OF SUCH INFORMATION, TRANSMISSION TO VETERANS COUNSELORS AND LINKAGE TO AVAILABLE BENEFITS. SUCH REPORT SHALL ALSO EVALUATE THE EFFECTIVENESS OF THE PROGRAM AND MAKE RECOMMENDATIONS FOR IMPROVEMENTS AS NECESSARY.

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

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

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

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

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

1. The department shall continue to collect, maintain, and analyze statistical and other information and data with respect to persons subject to the jurisdiction of the department, including but not limited to: (a) the number of such persons: placed in the custody of the department, assigned to a specific department program, accorded temporary release, paroled or conditionally released, paroled or conditionally released and declared delinquent, recommitted to a state correctional institution upon revocation of parole or conditional release, or discharge upon maximum expiration of sentence; (b) the criminal history

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

5. THE COMMISSIONER SHALL REPORT TO THE LEGISLATURE ON THE NUMBER OF INMATES WHO ARE CURRENTLY SERVING SENTENCES IN STATE CORRECTIONAL FACILITIES AND ANY LOCAL CORRECTIONAL FACILITIES WHO HAVE SERVED IN THE UNITED STATES ARMED FORCES. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING: A BREAKDOWN OF THE NUMBER OF INMATES BY BRANCH OF SERVICE, TIME PERIOD OF MILITARY SERVICE AND THE TYPE OF DISCHARGE THE INMATE RECEIVED UPON SEPARATION FROM THE MILITARY. SUCH REPORT SHALL BE DONE ANNUALLY.

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