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

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I N S E N A T E

March 2, 2010

Introduced by Sens. LARKIN, ALESI, DeFRANCISCO, O. JOHNSON, MAZIARZ, RANZENHOFER, SALAND, SEWARD, VOLKER -- 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, in relation to requiring AMBER alerts to be transmitted as text messages to every state-owned wireless communications device

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

Section 1. Subparagraphs (v), (vi) and (vii) of paragraph (b) of subdivision 14 of section 837-f of the executive law, as amended by chapter 381 of the laws of 2004, are amended and a new subparagraph (viii) is added to read as follows:

(v) participating internet service providers, WIRELESS COMMUNICATIONS SERVICE PROVIDERS and commercial mobile service providers serving the community may voluntarily agree to promptly provide by electronic mail message, AND CTIA - THE WIRELESS FOUNDATION, OR ITS SUCCESSOR ORGANIZATION, SHALL, WITH REGARD TO WIRELESS TELEPHONE NUMBERS IN ITS POSSESSION PURSUANT TO SUBPARAGRAPH (VIII) OF THIS PARAGRAPH, BY TEXT 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 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 requests forbearance for any reason[.]; AND

(VIII) THE STATE AND EVERY AGENCY THEREOF SHALL PROVIDE TO CTIA - THE WIRELESS FOUNDATION, OR ITS SUCCESSOR ORGANIZATION, A LIST OF THE TELEPHONE NUMBERS FOR EVERY WIRELESS COMMUNICATIONS DEVICE, AS DEFINED IN

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

LBD15435-02-0

SUBDIVISION NINE OF SECTION THREE HUNDRED ONE OF THE COUNTY LAW, WHICH IS OWNED THEREBY OR FOR WHICH THE STATE PAYS FOR THE WIRELESS COMMUNICATIONS SERVICE, AND SHALL ALSO PROVIDE THE NAME OF THE WIRELESS COMMUNICATIONS SERVICE PROVIDER, AS DEFINED IN SUBDIVISION TWELVE OF SUCH SECTION, FOR EACH SUCH DEVICE. IN ADDITION, THE STATE AND EVERY AGENCY THEREOF SHALL UPDATE SUCH INFORMATION ON A QUARTERLY BASIS.

S 2. Paragraph (c) of subdivision 14 of section 837-f of the executive law, as amended by chapter 348 of the laws of 2005, is amended to read as follows:

(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, WIRELESS COMMUNICATIONS SERVICE PROVIDERS and commercial mobile service providers in the design, implementation and improvement of missing child 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 goal of implementing and operating such plans in every jurisdiction in New York state. SUCH UNIT SHALL COOPERATE WITH CTIA - THE WIRELESS FOUNDATION, OR ITS SUCCESSOR ORGANIZATION, TO ESTABLISH THE FORM AND CONTENT OF THE PROVISION OF INFORMATION PURSUANT TO SUBPARAGRAPH (VIII) OF PARAGRAPH (B) OF THIS SUBDIVISION.

S 3. This act shall take effect immediately, except that section one of this act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, that effective immediately any actions necessary to implement the provisions of section one of this act on its effective date are authorized and directed to be completed on or before such date.