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

5237

2011-2012 Regular Sessions

I N A S S E M B L Y

February 14, 2011

Introduced by M. of A. HOOPER -- Multi-Sponsored by -- M. of A. ZEBROWSKI -- read once and referred to the Committee on Codes

AN ACT to amend the social services law, in relation to establishing electronic monitoring devices for victims of domestic violence demonstration programs in Nassau county; and providing for the repeal of certain provisions upon the expiration thereof

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

Section 1. The social services law is amended by adding a new section 63 to read as follows:

S 63. ELECTRONIC MONITORING DEVICES FOR VICTIMS OF DOMESTIC VIOLENCE; DEMONSTRATION PROGRAM. 1. THE SOCIAL SERVICES DISTRICT OF THE COUNTY OF NASSAU SHALL AUTHORIZE AND IMPLEMENT A PROGRAM WHICH PROVIDES ELECTRONIC MONITORING DEVICES TO ADULT AND CHILD VICTIMS OF DOMESTIC VIOLENCE, AT NO COST TO SUCH VICTIMS, PURSUANT TO THE PROVISIONS OF THIS SECTION.

2. FOR THE PURPOSES OF THIS SECTION:

(A) "ELECTRONIC MONITORING DEVICE" SHALL MEAN A DEVICE ABLE TO BE WORN BY AN ADULT OR CHILD, WHICH UPON ACTIVATION THEREOF NOTIFIES SUCH LOCAL EMERGENCY PERSONNEL AS SHALL BE DETERMINED BY THE SOCIAL SERVICES DISTRICT THAT SUCH ADULT OR CHILD IS AT RISK OF HARM OR HAS BEEN INJURED.

(B) "VICTIM OF DOMESTIC VIOLENCE" SHALL MEAN ANY ADULT OR CHILD WHO HAS BEEN THE VICTIM OF ANY CRIMINAL OFFENSE COMMITTED BY A MEMBER OF THE SAME FAMILY OR HOUSEHOLD, AS DEFINED IN SUBDIVISION ONE OF SECTION 530.11 OF THE CRIMINAL PROCEDURE LAW.

3. ANY AND ALL ELECTRONIC MONITORING DEVICES NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION SHALL MEET STANDARDS ESTABLISHED BY THE COMMISSIONER OF CHILDREN AND FAMILY SERVICES, AND SHALL BE PROVIDED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES TO SUCH SOCIAL SERVICES DISTRICT.

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

LBD06892-01-1

4. THE SOCIAL SERVICES DISTRICT SHALL PROVIDE AN ELECTRONIC MONITORING DEVICE TO EACH VICTIM OF DOMESTIC VIOLENCE WHICH ANY OFFICER OR EMPLOYEE OF SUCH DISTRICT REASONABLY BELIEVES MAY COME INTO CONTACT WITH A MEMBER OF THE SAME HOUSEHOLD, AS DEFINED IN SUBDIVISION ONE OF SECTION 530.11 OF THE CRIMINAL PROCEDURE LAW, WHO MAY COMMIT A CRIME AGAINST SUCH VICTIM.

5. EACH SUCH SOCIAL SERVICES DISTRICT SHALL COOPERATE AND CONSULT WITH THE APPROPRIATE LAW ENFORCEMENT, HEALTH CARE AND EMERGENCY-911 PERSONNEL TO ESTABLISH AND IMPLEMENT PROCEDURES FOR THE RESPONSE TO AND REPORTING OF ACTIVATIONS OF ELECTRONIC MONITORING DEVICES PURSUANT TO THIS SECTION.

6. EACH SUCH SOCIAL SERVICES DISTRICT SHALL, ON OR BEFORE THE FIFTEENTH DAY OF APRIL, JULY, OCTOBER AND JANUARY, SUBMIT THE FOLLOWING INFORMATION ON THE PRECEDING CALENDAR QUARTER TO THE OFFICE OF CHILDREN AND FAMILY SERVICES:

(A) THE NUMBER OF PERSONS PROVIDED WITH ELECTRONIC MONITORING DEVICES;

(B) THE NUMBER OF ACTIVATIONS OF SUCH ELECTRONIC MONITORING DEVICES;

(C) THE NUMBER OF ACTIVATIONS FOR WHICH THE VICTIM HAD REASONABLE GROUNDS TO DO SO;

(D) THE NUMBER OF ACTIVATIONS WHICH WERE GROUNDLESS;

(E) THE GROUNDS FOR EACH APPROPRIATE ACTIVATION OF AN ELECTRONIC MONITORING DEVICE, AND A BRIEF DESCRIPTION OF THE RESPONSE TO THE ACTIVATION AND THE CONDITION OF THE VICTIM; AND

(F) A SUMMARY OF HOW WELL SUCH PROGRAM PROVIDES PROTECTION TO VICTIMS OF DOMESTIC VIOLENCE, AND ANY RECOMMENDATIONS ON THE IMPLEMENTATION THEREOF.

S 2. On or before March 1, 2013, the office of children and family services shall issue a report to the governor and the legislature of its findings on the effectiveness of electronic monitoring devices in providing victims of domestic violence with increased protection against violence. Such report shall summarize the information received pursuant to subdivision 6 of section 63 of the social services law. The office of children and family services shall also make recommendations on the feasibility of implementing the electronic monitoring devices for victims of domestic violence program on a statewide basis.

S 3. This act shall take effect January 1, 2012, except that:

a. section one of this act shall expire and be deemed repealed January 15, 2013; and

b. any rules and regulations, and any other actions necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.