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

1333

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CASTELLI, MONTESANO, BURLING, SALADINO, ORTIZ -- Multi-Sponsored by -- M. of A. HAWLEY -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the military law, in relation to establishing the yellow ribbon reintegration program and making an appropriation therefor; to amend the public health law, in relation to including the adjutant general and the director of reintegration and the directors of veterans' affairs as members of the traumatic brain injury services coordinating council and including additional toxic materials or harmful physical agents in the scope of information to be provided by the veterans health care information program; to amend the executive law, in relation to health screening of veterans for traumatic brain injury and post-traumatic stress disorder; to amend the criminal procedure law, in relation to allowing a criminal defendant to plea to not responsible by reason of mental disease or defect stemming from service in a combat zone; and to amend the executive law and the mental hygiene law, in relation to including in the scope of duties of the division of veterans' affairs, the commissioner of the office of mental health and the commissioner of the office of alcoholism and substance abuse services the establishment of a program for mental health and rehabilitative services for veterans, members of the New York national guard and residents in the armed forces reserves and their family members

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

Section 1. The military law is amended by adding a new article 14 to read as follows:

ARTICLE XIV

YELLOW RIBBON REINTEGRATION PROGRAM

SECTION 340. DEFINITIONS.

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

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341. YELLOW RIBBON REINTEGRATION PROGRAM; ESTABLISHMENT AND PURPOSE.
342. OFFICE FOR REINTEGRATION PROGRAMS.
343. STATE DEPLOYMENT CYCLE SUPPORT TEAMS.
344. REINTEGRATION PROGRAMS.
345. POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY QUESTIONNAIRES.

S 340. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "BATTLEMIND II TRAINING" MEANS A PROGRAM DEVELOPED BY THE UNITED STATES ARMY THAT CONSISTS OF VIDEO VIGNETTES MEANT TO ASSIST MEMBERS OF THE ARMED FORCES IN RELATING COMBAT SKILLS TO EMOTIONAL REACTIONS THAT THEY MAY EXPERIENCE AFTER DEPLOYMENT.

2. "FAMILY ASSISTANCE CENTERS" MEANS CENTERS ESTABLISHED BY THE NEW YORK NATIONAL GUARD OFFICE OF FAMILY PROGRAMS WITHIN THE DIVISION OF MILITARY AND NAVAL AFFAIRS, WHICH PROVIDE LOCATIONS FROM WHICH ASSISTANCE AND INFORMATION MAY BE PROVIDED TO FAMILIES OF MEMBERS OF THE NEW YORK NATIONAL GUARD.

3. "FAMILY READINESS GROUPS" MEANS GROUPS ESTABLISHED BY THE NEW YORK NATIONAL GUARD OFFICE OF FAMILY PROGRAMS WITHIN THE DIVISION OF MILITARY AND NAVAL AFFAIRS, WHICH PROVIDE INFORMATION, SUPPORT AND SERVICES TO FAMILIES OF MEMBERS OF THE NEW YORK NATIONAL GUARD RELATING TO PREPARING SUCH FAMILIES FOR THE RETURN OF THEIR NEW YORK NATIONAL GUARD FAMILY MEMBER FROM DEPLOYMENT.

4. "MILITARY ONESOURCE" MEANS THE PROGRAM ESTABLISHED BY THE UNITED STATES DEPARTMENT OF DEFENSE TO AID ACTIVE DUTY, GUARD AND RESERVE MEMBERS AND THEIR FAMILIES BY PROVIDING GUIDANCE TO MEMBERS AND THEIR FAMILIES AS TO EXISTING SERVICES, MAKING SUCH SERVICES MORE ACCESSIBLE AND SUPPLEMENTING SUCH SERVICES.

5. "POST-DEPLOYMENT HEALTH REASSESSMENT" MEANS A PROGRAM MANDATED BY THE UNITED STATES ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS, DESIGNED TO IDENTIFY AND ADDRESS HEALTH CONCERNS, WITH SPECIFIC EMPHASIS ON MENTAL HEALTH, THAT HAVE EMERGED SINCE DEPLOYMENT.

6. "TRICARE" MEANS A HEALTH INSURANCE PLAN AVAILABLE FOR ELIGIBLE RESERVE COMPONENT MEMBERS WHO ARE SERVING IN THE NEW YORK ARMY NATIONAL GUARD.

7. "UNITED STATES NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS" MEANS THE FEDERAL OFFICE ESTABLISHED BY THE NATIONAL DEFENSE AUTHORIZATION ACT OF 2008, PUBLIC LAW 110-181 OF THE ONE HUNDRED TENTH CONGRESS.

S 341. YELLOW RIBBON REINTEGRATION PROGRAM; ESTABLISHMENT AND PURPOSE. 1. THE ADJUTANT GENERAL, IN COORDINATION WITH THE FEDERAL CHIEF OF THE NATIONAL GUARD BUREAU, SHALL ESTABLISH A YELLOW RIBBON REINTEGRATION PROGRAM TO PROVIDE NATIONAL GUARD MEMBERS AND THEIR FAMILIES WITH SUFFICIENT INFORMATION, SERVICES, REFERRAL, AND PROACTIVE OUTREACH OPPORTUNITIES THROUGHOUT THE ENTIRE DEPLOYMENT CYCLE. THIS PROGRAM SHALL BE KNOWN AS THE YELLOW RIBBON REINTEGRATION PROGRAM.

2. THE YELLOW RIBBON REINTEGRATION PROGRAM SHALL CONSIST OF INFORMATIONAL EVENTS AND ACTIVITIES FOR MEMBERS OF THE ORGANIZED MILITIA OR OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, THEIR FAMILIES AND COMMUNITY MEMBERS THROUGH THE FOUR PHASES OF THE DEPLOYMENT CYCLE:

(A) PRE-DEPLOYMENT.
(B) DEPLOYMENT.
(C) DEMOBILIZATION.
(D) POST-DEPLOYMENT RECONSTITUTION.

3. THE HEAD OF SUCH PROGRAM SHALL BE THE DIRECTOR OF THE YELLOW RIBBON REINTEGRATION PROGRAM. HE OR SHE SHALL BE APPOINTED BY THE ADJUTANT GENERAL.

S 342. OFFICE FOR REINTEGRATION PROGRAMS. 1. (A) THE DIVISION OF MILITARY AND NAVAL AFFAIRS SHALL ESTABLISH THE OFFICE FOR REINTEGRATION PROGRAMS. THIS OFFICE SHALL ADMINISTER ALL REINTEGRATION PROGRAMS IN COORDINATION WITH STATE ORGANIZATIONS AND THE UNITED STATES NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS.

(B) THE OFFICE FOR REINTEGRATION PROGRAMS SHALL CONSIST OF TEN FULL-TIME ENLISTED PERSONNEL TO ADMINISTER THE YELLOW RIBBON REINTEGRATION PROGRAM. THE OFFICE SHALL BE RESPONSIBLE FOR COORDINATION WITH EXISTING NEW YORK NATIONAL GUARD FAMILY AND SUPPORT PROGRAMS. THE COMMANDERS OF THE ARMY NATIONAL GUARD AND AIR NATIONAL GUARD MAY APPOINT LIAISON OFFICERS TO WORK WITH THE PERMANENT OFFICE STAFF. THE OFFICE SHALL CLOSELY COORDINATE WITH APPROPRIATE OFFICERS AND ENLISTED PERSONNEL WITH RESPECT TO EXISTING FAMILY SUPPORT STRUCTURE, MOBILIZATION SCHEDULES, TRAINING SCHEDULES, TRAINING PLANS AND PROGRAMS, AND ANY OTHER PERSONNEL ISSUES.

2. THE OFFICE FOR REINTEGRATION PROGRAMS SHALL ISSUE INTERNAL REPORTS AS NECESSARY AND SHALL SUBMIT ANNUAL REPORTS TO THE LEGISLATURE NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE END OF A ONE-YEAR PERIOD FROM ESTABLISHMENT OF THE OFFICE FOR REINTEGRATION PROGRAMS. THESE REPORTS SHALL CONTAIN:

(A) AN EVALUATION OF THE REINTEGRATION PROGRAM'S IMPLEMENTATION;

(B) AN ASSESSMENT OF ANY UNMET RESOURCE REQUIREMENTS;

(C) AN ASSESSMENT OF THE REINTEGRATION PROGRAM'S INCLUSION OF OTHER RESERVE COMPONENT SERVICE MEMBERS AND THE NECESSITY FOR FURTHER EXPANSION TO INCORPORATE ALL THE RESERVE COMPONENTS; AND

(D) RECOMMENDATIONS REGARDING CLOSER COORDINATION BETWEEN THE OFFICE OF REINTEGRATION PROGRAMS AND STATE ORGANIZATIONS.

S 343. STATE DEPLOYMENT CYCLE SUPPORT TEAMS. THE ADJUTANT GENERAL SHALL DETAIL PERSONNEL NECESSARY TO THE DIRECTOR OF REINTEGRATION FOR THE ADMINISTRATION OF THE YELLOW RIBBON REINTEGRATION PROGRAM IN COORDINATION WITH UNITED STATES NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS DEPLOYMENT CYCLE SUPPORT TEAM MEMBERS BASED ON NEED, GEOGRAPHICAL DISPERSION, AND MILITARY POPULATION. THE OFFICE FOR REINTEGRATION PROGRAMS IS ENCOURAGED TO EMPLOY WOUNDED SERVICE MEMBERS AND RETURNING COMBAT VETERANS WHENEVER POSSIBLE. THE PRIMARY FUNCTION OF TEAM MEMBERS SHALL BE:

1. DEVELOPING AND MANAGING THE REINTEGRATION CURRICULUM;

2. CONTRACTING AND RECRUITING FOR NECESSARY SERVICE PROVIDERS; AND

3. ENSURING THAT PROVIDERS' SKILLS ADAPT TO THE UNIQUE MILITARY NATURE OF THE REINTEGRATION PROGRAM.

S 344. REINTEGRATION PROGRAMS. 1. THE OFFICE FOR REINTEGRATION PROGRAMS SHALL ANALYZE THE DEMOGRAPHICS, PLACEMENT OF STATE FAMILY ASSISTANCE CENTERS, AND FAMILY ASSISTANCE CENTER RESOURCES BEFORE A MOBILIZATION ALERT IS ISSUED TO AFFECTED STATE NATIONAL GUARD ORGANIZATIONS. THE OFFICE OF REINTEGRATION PROGRAMS SHALL CONSULT WITH THE UNITED STATES NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS FOLLOWING THE ISSUANCE OF A MOBILIZATION ALERT AND IMPLEMENT THE REINTEGRATION EVENTS IN ACCORDANCE WITH THE REINTEGRATION PROGRAM PHASE MODEL.

2. THE PRE-DEPLOYMENT PHASE SHALL BE CONDUCTED BY UNITED STATES NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS DEPLOYMENT CYCLE SUPPORT TEAM MEMBERS AND CONSTITUTE THE TIME FROM FIRST NOTIFICATION OF MOBILIZATION UNTIL DEPLOYMENT OF THE MOBILIZED NATIONAL GUARD UNIT. EVENTS AND ACTIVITIES SHALL FOCUS ON PROVIDING EDUCATION AND ENSURING

THE READINESS OF SERVICE MEMBERS, FAMILIES, AND COMMUNITIES FOR THE RIGORS OF A COMBAT DEPLOYMENT AND SHALL INCLUDE THE FOLLOWING:

(A) SERVICE MEMBER READINESS;

(B) MARRIAGE COUNSELING;

(C) YOUTH COUNSELING;

(D) FAMILY COUNSELING;

(E) SINGLE SERVICE MEMBER COUNSELING;

(F) INFORMATION ON RESOURCES AVAILABLE TO SERVICE MEMBERS AND FAMILIES;

(G) INTRODUCTION TO THE MILITARY ONESOURCE PROGRAM;

(H) DIVISION OF VETERANS' AFFAIRS RESOURCES;

(I) SMALL BUSINESS PLANNING;

(J) FINANCIAL PLANNING AND EDUCATION; AND

(K) STATE PROGRAMS AND BENEFITS.

3. (A) THE DEPLOYMENT PHASE SHALL BE CONDUCTED BY THE UNITED STATES NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS DEPLOYMENT CYCLE SUPPORT TEAM MEMBERS AND CONSTITUTE THE PERIOD FROM DEPLOYMENT OF THE MOBILIZED NATIONAL GUARD UNIT UNTIL THE UNIT ARRIVES AT A DEMOBILIZATION STATION INSIDE THE CONTINENTAL UNITED STATES. EVENTS AND SERVICES PROVIDED SHALL FOCUS ON THE CHALLENGES AND STRESS ASSOCIATED WITH SEPARATION AND HAVING A SERVICE MEMBER IN A COMBAT ZONE. EVENTS AND SERVICES INCLUDE SUPPORT ACTIVITIES LISTED IN PARAGRAPH (B) OF THIS SUBDIVISION AND REINTEGRATION PREPARATION ACTIVITIES LISTED IN PARAGRAPH (C) OF THIS SUBDIVISION. INFORMATION SESSIONS SHOULD UTILIZE STATE NATIONAL GUARD RESOURCES IN COORDINATION WITH THE FEDERAL OFFICES RELATED THERETO.

(B) SUPPORT ACTIVITIES SHALL INCLUDE:

(I) YOUTH COUNSELING;

(II) FAMILY COUNSELING;

(III) COMMUNITY OUTREACH;

(IV) CONTINUED CONTACT WITH SPOUSES AND PARENTS;

(V) INFORMATION ON RESOURCES AVAILABLE TO FAMILY MEMBERS, TO INCLUDE ACCESS TO MILITARY ONESOURCE AND CHILD CARE;

(VI) TRICARE AND HEALTHCARE;

(VII) MILITARY PAY AND ALLOWANCES; AND

(VIII) STATE PROGRAMS AND BENEFITS.

(C) REINTEGRATION PREPARATION ACTIVITIES SHALL BE CONDUCTED AS FOLLOWS:

(I) FAMILY INFORMATION SESSIONS SHOULD PREPARE FAMILY MEMBERS FOR THE HOMECOMING OF THEIR SERVICE MEMBER AND TO INFORM THEM ON WHAT THEY CAN DO TO MAKE THIS TRANSITION AS EASY AS POSSIBLE. THE SESSIONS ARE DESIGNED TO INCREASE THE FAMILY MEMBER'S KNOWLEDGE OF THE REINTEGRATION PROCESS AND TO PROVIDE RESOURCES TO THEM AS THEY GO THROUGH THE STEPS OF REINTEGRATION. INFORMATION SESSIONS SHOULD BE OFFERED AT LOCATIONS AND TIMES SO AS TO ACCOMMODATE AS MANY FAMILY MEMBERS AS POSSIBLE.

(II) COMMUNITY INFORMATION SESSIONS SHOULD EDUCATE COMMUNITY LEADERS, CLERGY, SCHOOLS, EMPLOYERS, MENTAL HEALTH PROFESSIONALS, AND FAMILY READINESS GROUPS ABOUT THE CHALLENGES OF REINTEGRATION, AND WHAT THEY CAN DO TO ASSIST COMBAT VETERANS AND THEIR FAMILIES TO SUCCESSFULLY REINTEGRATE BACK INTO THE COMMUNITY. INFORMATION SESSIONS SHOULD BE OFFERED AT LOCATIONS AND TIMES SO AS TO ACCOMMODATE AS MANY PARTICIPANTS AS POSSIBLE.

4. (A) THE DEMOBILIZATION PHASE SHALL BE CONDUCTED BY THE UNITED STATES NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS DEPLOYMENT CYCLE SUPPORT TEAM MEMBERS AND CONSTITUTE THE PERIOD FROM ARRIVAL OF THE NATIONAL GUARD UNIT AT THE DEMOBILIZATION STATION UNTIL ITS DEPARTURE FOR HOME STATION. IN THE INTEREST OF RETURNING SERVICE MEMBERS AS SOON

AS POSSIBLE TO THEIR HOME STATIONS, REINTEGRATION BRIEFINGS DURING THE DEMOBILIZATION PHASE SHALL BE MINIMIZED. THE NEW YORK STATE DEPLOYMENT CYCLE SUPPORT TEAM SHALL ASSIST DEMOBILIZING SERVICE MEMBERS IN ENROLLING FOR MEDICAL BENEFITS WITH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS DURING THE DEMOBILIZATION PHASE. THE NEW YORK STATE DEPLOYMENT CYCLE SUPPORT TEAMS SHALL PROVIDE OTHER EVENTS FROM THE INITIAL REINTEGRATION ACTIVITY AS DETERMINED BY THE STATE OFFICE OF REINTEGRATION PROGRAMS. REMAINING EVENTS SHALL BE CONDUCTED DURING THE POST-DEPLOYMENT RECONSTITUTION PHASE.

(B) THE PURPOSE OF THIS REINTEGRATION PROGRAM IS TO EDUCATE SERVICE MEMBERS ABOUT THE RESOURCES THAT ARE AVAILABLE TO THEM AND TO CONNECT SERVICE MEMBERS TO SERVICE PROVIDERS WHO CAN ASSIST THEM IN OVERCOMING THE CHALLENGES OF REINTEGRATION. THE INITIAL REINTEGRATION ACTIVITY SHALL INCLUDE, BUT IS NOT LIMITED TO:

(I) INFORMING SERVICE MEMBERS OF THEIR VETERANS' BENEFITS;

(II) ASSISTING WITH UNEMPLOYMENT AND ENROLLMENT IN EMPLOYMENT TRANSITION SERVICES;

(III) A DRIVER SAFETY BRIEFING GIVEN BY QUALIFIED LAW ENFORCEMENT OFFICIALS;

(IV) IDENTIFICATION OF HIGH-RISK SERVICE MEMBERS AND ESTABLISHMENT OF PLANS FOR FOLLOW-ON CARE;

(V) IDENTIFICATION OF SERVICE MEMBERS REQUIRING FOLLOW-ON HEALTH CARE;

(VI) LEGAL BRIEFINGS AND LEGAL ASSISTANCE; AND

(VII) AN OPPORTUNITY FOR SEXUAL ASSAULT VICTIMS TO CONFIDENTIALLY REPORT SUCH CRIMES.

5. (A) THE POST-DEPLOYMENT RECONSTITUTION PHASE SHALL BE CONDUCTED BY UNITED STATES NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS DEPLOYMENT CYCLE SUPPORT TEAM MEMBERS AND CONSTITUTE THE PERIOD FROM ARRIVAL AT HOME STATION UNTIL ONE HUNDRED EIGHTY DAYS FOLLOWING DEMOBILIZATION. ACTIVITIES AND SERVICES PROVIDED SHALL FOCUS ON RECONNECTING SERVICE MEMBERS WITH THEIR FAMILIES AND COMMUNITIES AND PROVIDING RESOURCES AND INFORMATION NECESSARY FOR SUCCESSFUL REINTEGRATION. REINTEGRATION EVENTS SHALL BEGIN WITH ELEMENTS OF THE INITIAL REINTEGRATION ACTIVITY PROGRAM THAT WERE NOT COMPLETED DURING THE DEMOBILIZATION PHASE.

(B) THE STATE OFFICE OF REINTEGRATION PROGRAMS SHALL HOLD REINTEGRATION ACTIVITIES AT THE THIRTY-DAY, SIXTY-DAY, AND NINETY-DAY INTERVAL FOLLOWING DEMOBILIZATION IN COORDINATION WITH THE DIVISION OF MILITARY AND NAVAL AFFAIRS. THESE ACTIVITIES SHALL FOCUS ON RECONNECTING SERVICE MEMBERS AND FAMILY MEMBERS WITH THE SERVICE PROVIDERS FROM INITIAL REINTEGRATION ACTIVITY TO ENSURE SERVICE MEMBERS AND THEIR FAMILIES UNDERSTAND WHAT BENEFITS THEY ARE ENTITLED TO AND WHAT RESOURCES ARE AVAILABLE TO HELP THEM OVERCOME THE CHALLENGES OF REINTEGRATION. THE REINTEGRATION ACTIVITIES SHOULD ALSO PROVIDE A FORUM FOR SERVICE MEMBERS AND FAMILIES TO ADDRESS NEGATIVE BEHAVIORS RELATED TO COMBAT STRESS AND TRANSITION. ONE OF THE REINTEGRATION ACTIVITIES SHALL BE FOR SERVICE MEMBERS TO CONDUCT A THOROUGH POST-DEPLOYMENT HEALTH REASSESSMENT OF COMBAT VETERANS AND PROVIDE ANY REMAINING MEDICAL OR DENTAL SERVICES. ACTIVITIES, EVENTS, AND SERVICES PROVIDED AT THE THIRTY-DAY, SIXTY-DAY, AND NINETY-DAY REINTEGRATION ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) BATTLEMIND TRAINING II FOR SERVICE MEMBERS AND THEIR FAMILIES;

(II) PREVENTION AND RELATIONSHIP ENHANCEMENT PROGRAM MARRIAGE ENRICHMENT WORKSHOP TO FOCUS ON ASSISTING SERVICE MEMBERS TO RECONNECT WITH THEIR SPOUSES;

(III) SINGLE SERVICE MEMBER CHALLENGES WORKSHOP;

(IV) PARENTING WORKSHOP TO ASSIST SERVICE MEMBERS TO RECONNECT WITH THEIR CHILDREN;

(V) LOCAL SERVICES STATION PROGRAM WITH REPRESENTATIVES FROM LEGAL, TRICARE, EDUCATION SERVICES, THE DIVISION OF VETERANS' AFFAIRS, STATE VETERANS CENTERS, STATE WORKFORCE OFFICES, CHAPLAIN'S OFFICE, COUNTY VETERANS SERVICE OFFICERS, MILITARY ONESOURCE, STATE TAX OFFICIALS, STATE YOUTH PROGRAMS, AND NATIONAL GUARD UNIT ADMINISTRATION OFFICES;

(VI) ANGER MANAGEMENT WORKSHOP;

(VII) SUBSTANCE ABUSE WORKSHOP;

(VIII) GAMBLING ABUSE WORKSHOP;

(IX) LAW ENFORCEMENT BRIEFING;

(X) TRICARE AND MILITARY ONESOURCE REPRESENTATIVES;

(XI) POST-DEPLOYMENT HEALTH REASSESSMENT WITH ON-SITE SUPPORT FROM THE FEDERAL DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS, REPRESENTATIVES FROM THE DIVISION OF VETERANS' AFFAIRS, AND CASE MANAGERS PROVIDED BY THE DEPARTMENT OF DEFENSE; AND

(XII) REINTEGRATION PROGRAM ASSESSMENT.

6. (A) THE DIRECTOR OF REINTEGRATION, IN COOPERATION WITH THE DIVISION OF MILITARY AND NAVAL AFFAIRS, THE DIVISION OF VETERANS' AFFAIRS, THE DEPARTMENT OF HEALTH, THE OFFICE OF MENTAL HEALTH, THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES AND THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, SHALL ESTABLISH A PROGRAM TO MONITOR AND COORDINATE MENTAL HEALTH AND REHABILITATIVE SERVICES SUPPORT FOR VETERANS AND MEMBERS OF THE NATIONAL GUARD AND RESIDENTS IN THE ARMED FORCES RESERVES NOT IN ACTIVE FEDERAL SERVICE. THE PROGRAM SHALL ALSO SUPPORT FAMILY MEMBERS AFFECTED BY COVERED MILITARY MEMBERS' SERVICE AND DEPLOYMENTS. THE PURPOSE OF THE PROGRAM IS TO ENSURE THAT ADEQUATE AND TIMELY ASSESSMENT, TREATMENT, AND SUPPORT ARE AVAILABLE TO VETERANS, SERVICE MEMBERS, AND AFFECTED FAMILY MEMBERS.

(B) THE PROGRAM SHALL FACILITATE SUPPORT FOR COVERED INDIVIDUALS TO PROVIDE TIMELY ASSESSMENT AND TREATMENT FOR STRESS-RELATED INJURIES AND TRAUMATIC BRAIN INJURIES RESULTING FROM SERVICE IN COMBAT AREAS, AND SUBJECT TO THE AVAILABILITY OF PUBLIC AND PRIVATE FUNDS APPROPRIATED FOR THEM, CASE MANAGEMENT SERVICES, OUTPATIENT, FAMILY SUPPORT, AND OTHER APPROPRIATE BEHAVIORAL HEALTH AND BRAIN INJURY SERVICES NECESSARY TO PROVIDE INDIVIDUAL SERVICES AND SUPPORT TO MILITARY SERVICE MEMBERS AND THEIR FAMILY MEMBERS COVERED BY THIS SECTION.

7. SERVICE MEMBERS SHALL RECEIVE APPROPRIATE PAY FOR DAYS SPENT ATTENDING THE REINTEGRATION ACTIVITIES.

S 345. POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY QUESTIONNAIRES. 1. AN OFFICER OR ENLISTED PERSON SERVING IN THE NATIONAL GUARD WHILE UNDER STATE JURISDICTION SHALL TAKE A DIVISION-ADMINISTERED POST-TRAUMATIC STRESS DISORDER QUESTIONNAIRE AND A TRAUMATIC BRAIN INJURY QUESTIONNAIRE UNDER THE SUPERVISION OF THE DIRECTOR OF REINTEGRATION BEFORE BEING DEPLOYED IN OPERATION IRAQI FREEDOM, OPERATION ENDURING FREEDOM, OR ANY OTHER OVERSEAS SERVICE PURSUANT TO ANY FUTURE DECLARATION OF WAR BY THE UNITED STATES CONGRESS OR THE BEGINNING OF AN EMERGENCY CONDITION RECOGNIZED BY THE ISSUANCE OF A PRESIDENTIAL PROCLAMATION OR A PRESIDENTIAL EXECUTIVE ORDER.

2. AN OFFICER OR ENLISTED PERSON SERVING IN THE NATIONAL GUARD WITHIN NINETY DAYS OF HIS OR HER RETURN TO STATE JURISDICTION FROM OPERATION IRAQI FREEDOM, OPERATION ENDURING FREEDOM, OR ANY OTHER OVERSEAS SERVICE PURSUANT TO ANY FUTURE DECLARATION OF WAR BY THE UNITED STATES CONGRESS OR THE BEGINNING OF AN EMERGENCY CONDITION RECOGNIZED BY THE ISSUANCE OF A PRESIDENTIAL PROCLAMATION OR A PRESIDENTIAL EXECUTIVE ORDER SHALL TAKE A DIVISION-ADMINISTERED POST-TRAUMATIC STRESS DISORDER QUESTIONNAIRE AND

A TRAUMATIC BRAIN INJURY QUESTIONNAIRE UNDER THE SUPERVISION OF THE DIRECTOR OF REINTEGRATION.

3. AN OFFICER OR ENLISTED PERSON SERVING IN THE NATIONAL GUARD AND WHO HAS RETURNED TO STATE JURISDICTION FROM OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM SHALL TAKE A DIVISION-ADMINISTERED POST-TRAUMATIC STRESS DISORDER QUESTIONNAIRE AND A TRAUMATIC BRAIN INJURY QUESTIONNAIRE UNDER THE SUPERVISION OF THE DIRECTOR OF REINTEGRATION.

4. THE OFFICER OR ENLISTED PERSON IS EXEMPT FROM THE DIVISION-ADMINISTERED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY REQUIREMENTS IF HE OR SHE HAS COMPLETED SIMILAR QUESTIONNAIRES APPROVED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THE UNITED STATES DEPARTMENT OF DEFENSE WHILE UNDER THE CONTROL OF THE FEDERAL GOVERNMENT.

5. AN OFFICER OR ENLISTED PERSON WHO HAS BEEN DISCHARGED FROM THE NATIONAL GUARD, AN ACTIVE DUTY SERVICE MEMBER RESIDING IN NEW YORK, OR A FEDERAL RESERVIST RESIDING IN NEW YORK WHO HAS BEEN DEPLOYED IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM MAY TAKE A DIVISION-ADMINISTERED POST-TRAUMATIC STRESS DISORDER QUESTIONNAIRE AND A TRAUMATIC BRAIN INJURY QUESTIONNAIRE FREE OF CHARGE UNDER THE SUPERVISION OF THE DIRECTOR OF REINTEGRATION.

6. THE QUESTIONNAIRES SHALL BE DEVELOPED BY THE ADJUTANT GENERAL WITH THE ASSISTANCE OF THE DIRECTOR OF REINTEGRATION, ANY STATEWIDE ASSOCIATIONS SPECIALIZING IN TRAUMATIC BRAIN INJURIES AND THE OFFICE OF MENTAL HEALTH AND SHALL BE APPROVED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THE UNITED STATES DEPARTMENT OF DEFENSE.

7. ALL POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY QUESTIONNAIRES SHALL BE STORED AS ELECTRONIC DOCUMENTS BY THE DIVISION.

S 2. Subdivision 1 of section 2744 of the public health law, as added by chapter 196 of the laws of 1994, is amended to read as follows:

1. The traumatic brain injury services coordinating council is hereby established and shall consist of the following persons or their designees: the commissioner, the commissioner of mental retardation and developmental disabilities, the office of mental health, the commissioner of education, the commissioner of alcoholism and substance abuse services, the commissioner of social services, THE ADJUTANT GENERAL, THE STATE DIRECTOR OF REINTEGRATION, THE DIRECTOR OF THE DIVISION OF VETERANS' AFFAIRS, the state advocate for the disabled and the commission on quality of care for the mentally disabled. In addition, the council shall consist of the following persons: five persons appointed by the governor, three of whom shall be persons with traumatic brain injury and two of whom shall be representative of the public and have a demonstrated expertise and interest in traumatic brain injury; two persons appointed by the temporary president of the senate, one of whom shall be a person with traumatic brain injury and one of whom shall be representative of the public and have a demonstrated expertise and interest in traumatic brain injury; two persons appointed by the speaker of the assembly, one of whom shall be a person with traumatic brain injury and one of whom shall be representative of the public and have a demonstrated expertise and interest in traumatic brain injury, one person appointed by the minority leader of the senate who shall be a person with traumatic brain injury or be representative of the public and have a demonstrated expertise and interest in traumatic brain injury; and one person appointed by the minority leader of the assembly who shall be a person with traumatic brain injury or be representative of the public and have a demonstrated expertise and interest in traumatic brain injury. Of the five persons appointed by the governor, three shall serve for a term of one year, one shall serve for a term of two years and one

shall serve for a term of three years. Of the two persons appointed by the temporary president of the senate, one shall serve for a term of two years and one shall serve for a term of three years. Of the two persons appointed by the speaker of the assembly, one shall serve for a term of two years and one shall serve for a term of three years. The person appointed by the minority leader of the senate and the person appointed by the minority leader of the assembly shall serve for a term of one year. Subsequent appointments for vacancies shall be for a term of three years and shall be filled in the same manner as the original appointment.

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 EXPOSURE TO IONIZING RADIATION AS THE RESULT OF ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE, hepatitis C AND SPECIFIC MENTAL AND PHYSICAL HEALTH ISSUES INCLUDING POST-TRAUMATIC STRESS DISORDER AND BRAIN-RELATED INJURIES, for veterans, their surviving spouses and health care providers.

S 4. The executive law is amended by adding a new section 366-a to read as follows:

S 366-A. VETERANS' HEALTH SCREENING FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER. 1. AS USED IN THIS SECTION: (A) "ELIGIBLE MEMBER" MEANS A MEMBER WHO SERVED UNDER TITLE TEN OF THE UNITED STATES CODE IN AN AREA DESIGNATED AS A COMBAT ZONE BY EXECUTIVE ORDERS NOS. 12744 AND 13239 OF THE PRESIDENT OF THE UNITED STATES.

(B) "MEMBER" MEANS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, INCLUDING THE NEW YORK NATIONAL GUARD, WHO IS A RESIDENT OF THIS STATE.

(C) "VETERAN" MEANS A PERSON, MALE OR FEMALE, RESIDENT OF THIS STATE, WHO HAS SERVED IN THE ACTIVE MILITARY, NAVAL OR AIR SERVICE OF THE UNITED STATES DURING A TIME OF WAR IN WHICH THE UNITED STATES ENGAGED AND WHO HAS BEEN RELEASED FROM SUCH SERVICE OTHERWISE THAN BY DISHONORABLE DISCHARGE, OR WHO HAS BEEN FURLOUGHED TO THE RESERVE.

2. THE STATE DIRECTOR, OR HIS OR HER DESIGNEES, SHALL ASSIST ANY ELIGIBLE MEMBER OR VETERAN WHO RETURNS OR HAS RETURNED TO THIS STATE IN OBTAINING AN APPROPRIATE HEALTH SCREENING TEST FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER. THE ELIGIBLE MEMBER OR VETERAN MUST RETURN OR HAVE RETURNED TO THIS STATE AFTER SERVICE.

3. (A) IN ORDER TO EFFECTIVELY PROVIDE THE ASSISTANCE REQUIRED BY SUBDIVISION TWO OF THIS SECTION, THE STATE DIRECTOR, OR HIS OR HER DESIGNEES, SHALL DEVELOP AND IMPLEMENT A PLAN FOR OUTREACH TO ELIGIBLE MEMBERS AND VETERANS WHO HAVE RETURNED FROM COMBAT. THE DIRECTOR OF REINTEGRATION, OR HIS OR HER DESIGNEE, SHALL ALSO DEVELOP AND IMPLEMENT A PLAN FOR OUTREACH TO ELIGIBLE MEMBERS OF THE NEW YORK NATIONAL GUARD WHO HAVE RETURNED FROM COMBAT AND REMAIN ON DUTY IN ORDER TO EFFECTIVELY PROVIDE THE SERVICE REQUIRED BY SUBDIVISION TWO OF THIS SECTION.

(B) EACH OUTREACH PLAN SHALL PROVIDE INFORMATION TO ELIGIBLE MEMBERS AND VETERANS CONCERNING TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER, THE POSSIBLE IMPACTS ASSOCIATED WITH TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER, AND THE RIGHT TO SCREENING SERVICES.

S 5. The criminal procedure law is amended by adding a new section 220.16 to read as follows:

S 220.16 NOT RESPONSIBLE BY REASON OF MENTAL DISEASE OR DEFECT STEMMING FROM SERVICE IN A COMBAT ZONE.

1. THE DEFENDANT MAY ENTER A PLEA OF NOT RESPONSIBLE BY REASON OF MENTAL DISEASE, INCLUDING POST-TRAUMATIC STRESS DISORDER, STEMMING FROM SERVICE IN A COMBAT ZONE IN THE UNITED STATES ARMED FORCES. THE COURT SHALL CONDUCT A HEARING PRIOR TO ACCEPTING SUCH A PLEA TO DETERMINE WHETHER THE DEFENDANT:

(A) HAS BEEN CERTIFIED BY THE DIRECTOR OF THE DIVISION OF VETERANS AFFAIRS AS HAVING SERVED IN THE ARMED FORCES OF THE UNITED STATES OF AMERICA IN A COMBAT ZONE, AS DEFINED IN SECTION ONE HUNDRED TWELVE OF THE FEDERAL INTERNAL REVENUE CODE OF NINETEEN EIGHTY-SIX;

(B) SUFFERS FROM MENTAL DISEASE OR DEFECT; AND

(C) SUCH MENTAL DISEASE OR DEFECT WAS CAUSED OR EXACERBATED BY EVENTS OCCURRING DURING SUCH DEFENDANT'S SERVICE IN A COMBAT ZONE.

2. BEFORE ACCEPTING A PLEA OF NOT RESPONSIBLE BY REASON OF MENTAL DISEASE STEMMING FROM SERVICE IN A COMBAT ZONE, THE COURT MUST ADDRESS THE DEFENDANT IN THE MANNER SET FORTH IN SUBDIVISIONS THREE AND FOUR OF SECTION 220.15 OF THIS ARTICLE AND MAKE A FINDING AS SET FORTH IN SUBDIVISION FIVE OF SECTION 220.15 OF THIS ARTICLE.

3. IF THE COURT DETERMINES THAT SUCH DEFENDANT MEETS THE CRITERIA PROVIDED IN SUBDIVISION ONE OF THIS SECTION AND SUCH DEFENDANT'S CURRENT CRIME OF CONVICTION AND CRIMINAL HISTORY DO NOT WARRANT A SENTENCE OF IMPRISONMENT PURSUANT TO THE PROVISIONS OF TITLE E OF PART 2 OF THE PENAL LAW AND IN THE COURT'S DISCRETION AS AVAILABLE PURSUANT TO SUCH TITLE, THE COURT MAY ORDER SUCH DEFENDANT TO UNDERGO TREATMENT FROM ANY TREATMENT FACILITY, INCLUDING ANY FACILITY THAT PROVIDES SERVICES FOR VETERANS, ON AN OUTPATIENT BASIS OR AN INPATIENT BASIS WITH THE CONSENT OF THE DEFENDANT.

4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE COURT'S AUTHORITY TO ORDER ANY OTHER SANCTION OR TO TREAT THE DEFENDANT'S PLEA AS A PLEA OF NOT RESPONSIBLE BY REASON OF MENTAL DISEASE OR DEFECT PURSUANT TO SECTION 220.15 OF THIS ARTICLE, SUBJECT TO THE PROVISIONS OF SUCH SECTION, AND THEREFORE APPLY THE PROCEDURES SET FORTH IN SECTION 330.20 OF THIS TITLE.

S 6. Section 353 of the executive law is amended by adding a two new subdivisions 20 and 21 to read as follows:

20. TO WORK WITH TRAUMATIC BRAIN INJURY SERVICES COORDINATING COUNCIL TO ESTABLISH A PROGRAM FOR MENTAL HEALTH AND REHABILITATIVE SERVICES FOR NEW YORK VETERANS AND MEMBERS OF THE NEW YORK NATIONAL GUARD AND NEW YORK RESIDENTS IN THE ARMED FORCES RESERVES NOT IN ACTIVE FEDERAL SERVICE AND THEIR FAMILY MEMBERS CONSISTENT WITH THE PROGRAMS AND SERVICES ESTABLISHED IN ARTICLE FOURTEEN OF THE MILITARY LAW.

21. PROVIDE CERTIFICATION OF SERVICE OF A VETERAN OF THE ARMED FORCES OF THE UNITED STATES OF AMERICA IN A COMBAT ZONE TO ANY SENTENCING JUDGE REQUESTING SUCH CERTIFICATION PURSUANT TO SECTION 220.16 OF THE CRIMINAL PROCEDURE LAW.

S 7. Section 7.09 of the mental hygiene law is amended by adding a new subdivision (k) to read as follows:

(K) THE COMMISSION, IN COOPERATION WITH THE TRAUMATIC BRAIN INJURY SERVICES COORDINATING COUNCIL, SHALL ESTABLISH A PROGRAM FOR MENTAL HEALTH AND REHABILITATIVE SERVICES FOR NEW YORK VETERANS AND MEMBERS OF THE NEW YORK NATIONAL GUARD AND NEW YORK RESIDENTS IN THE ARMED FORCES RESERVES NOT IN ACTIVE FEDERAL SERVICE AND THEIR FAMILY MEMBERS CONSIST-

ENT WITH THE PROGRAMS AND SERVICES ESTABLISHED IN ARTICLE FOURTEEN OF THE MILITARY LAW.

S 8. Section 19.09 of the mental hygiene law is amended by adding a new subdivision (i) to read as follows:

(I) TO WORK WITH THE TRAUMATIC BRAIN INJURY SERVICES COORDINATING COUNCIL TO ESTABLISH A PROGRAM FOR MENTAL HEALTH AND REHABILITATIVE SERVICES FOR NEW YORK VETERANS AND MEMBERS OF THE NEW YORK NATIONAL GUARD AND NEW YORK RESIDENTS IN THE ARMED FORCES RESERVES NOT IN ACTIVE FEDERAL SERVICE AND THEIR FAMILY MEMBERS CONSISTENT WITH THE PROGRAMS AND SERVICES ESTABLISHED IN ARTICLE FOURTEEN OF THE MILITARY LAW.

S 9. The sum of five hundred thousand dollars ($500,000), or so much thereof as may be necessary, is hereby appropriated to the division of military and naval affairs out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of section one of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the adjutant general in the manner prescribed by law.

S 10. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.