

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:

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

3 ARTICLE XIV

4 YELLOW RIBBON REINTEGRATION PROGRAM

5 SECTION 340. DEFINITIONS.

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

LBD05574-01-1

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. "BATTELMIND 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.

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

4 S 342. OFFICE FOR REINTEGRATION PROGRAMS. 1. (A) THE DIVISION OF MILI-
5 TARY AND NAVAL AFFAIRS SHALL ESTABLISH THE OFFICE FOR REINTEGRATION
6 PROGRAMS. THIS OFFICE SHALL ADMINISTER ALL REINTEGRATION PROGRAMS IN
7 COORDINATION WITH STATE ORGANIZATIONS AND THE UNITED STATES NATIONAL
8 GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS.

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

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

- 24 (A) AN EVALUATION OF THE REINTEGRATION PROGRAM'S IMPLEMENTATION;
25 (B) AN ASSESSMENT OF ANY UNMET RESOURCE REQUIREMENTS;
26 (C) AN ASSESSMENT OF THE REINTEGRATION PROGRAM'S INCLUSION OF OTHER
27 RESERVE COMPONENT SERVICE MEMBERS AND THE NECESSITY FOR FURTHER EXPAN-
28 SION TO INCORPORATE ALL THE RESERVE COMPONENTS; AND
29 (D) RECOMMENDATIONS REGARDING CLOSER COORDINATION BETWEEN THE OFFICE
30 OF REINTEGRATION PROGRAMS AND STATE ORGANIZATIONS.

31 S 343. STATE DEPLOYMENT CYCLE SUPPORT TEAMS. THE ADJUTANT GENERAL
32 SHALL DETAIL PERSONNEL NECESSARY TO THE DIRECTOR OF REINTEGRATION FOR
33 THE ADMINISTRATION OF THE YELLOW RIBBON REINTEGRATION PROGRAM IN COORDI-
34 NATION WITH UNITED STATES NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION
35 PROGRAMS DEPLOYMENT CYCLE SUPPORT TEAM MEMBERS BASED ON NEED, GEOGRAPH-
36 ICAL DISPERSION, AND MILITARY POPULATION. THE OFFICE FOR REINTEGRATION
37 PROGRAMS IS ENCOURAGED TO EMPLOY WOUNDED SERVICE MEMBERS AND RETURNING
38 COMBAT VETERANS WHENEVER POSSIBLE. THE PRIMARY FUNCTION OF TEAM MEMBERS
39 SHALL BE:

- 40 1. DEVELOPING AND MANAGING THE REINTEGRATION CURRICULUM;
41 2. CONTRACTING AND RECRUITING FOR NECESSARY SERVICE PROVIDERS; AND
42 3. ENSURING THAT PROVIDERS' SKILLS ADAPT TO THE UNIQUE MILITARY NATURE
43 OF THE REINTEGRATION PROGRAM.

44 S 344. REINTEGRATION PROGRAMS. 1. THE OFFICE FOR REINTEGRATION
45 PROGRAMS SHALL ANALYZE THE DEMOGRAPHICS, PLACEMENT OF STATE FAMILY
46 ASSISTANCE CENTERS, AND FAMILY ASSISTANCE CENTER RESOURCES BEFORE A
47 MOBILIZATION ALERT IS ISSUED TO AFFECTED STATE NATIONAL GUARD ORGANIZA-
48 TIONS. THE OFFICE OF REINTEGRATION PROGRAMS SHALL CONSULT WITH THE
49 UNITED STATES NATIONAL GUARD BUREAU OFFICE OF REINTEGRATION PROGRAMS
50 FOLLOWING THE ISSUANCE OF A MOBILIZATION ALERT AND IMPLEMENT THE REINTE-
51 GRATION EVENTS IN ACCORDANCE WITH THE REINTEGRATION PROGRAM PHASE MODEL.

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

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

- 3 (A) SERVICE MEMBER READINESS;
- 4 (B) MARRIAGE COUNSELING;
- 5 (C) YOUTH COUNSELING;
- 6 (D) FAMILY COUNSELING;
- 7 (E) SINGLE SERVICE MEMBER COUNSELING;
- 8 (F) INFORMATION ON RESOURCES AVAILABLE TO SERVICE MEMBERS AND FAMI-
9 LIES;
- 10 (G) INTRODUCTION TO THE MILITARY ONESOURCE PROGRAM;
- 11 (H) DIVISION OF VETERANS' AFFAIRS RESOURCES;
- 12 (I) SMALL BUSINESS PLANNING;
- 13 (J) FINANCIAL PLANNING AND EDUCATION; AND
- 14 (K) STATE PROGRAMS AND BENEFITS.

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

26 (B) SUPPORT ACTIVITIES SHALL INCLUDE:

- 27 (I) YOUTH COUNSELING;
- 28 (II) FAMILY COUNSELING;
- 29 (III) COMMUNITY OUTREACH;
- 30 (IV) CONTINUED CONTACT WITH SPOUSES AND PARENTS;
- 31 (V) INFORMATION ON RESOURCES AVAILABLE TO FAMILY MEMBERS, TO INCLUDE
32 ACCESS TO MILITARY ONESOURCE AND CHILD CARE;
- 33 (VI) TRICARE AND HEALTHCARE;
- 34 (VII) MILITARY PAY AND ALLOWANCES; AND
- 35 (VIII) STATE PROGRAMS AND BENEFITS.

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

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

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

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

1 AS POSSIBLE TO THEIR HOME STATIONS, REINTEGRATION BRIEFINGS DURING THE
2 DEMOBILIZATION PHASE SHALL BE MINIMIZED. THE NEW YORK STATE DEPLOYMENT
3 CYCLE SUPPORT TEAM SHALL ASSIST DEMOBILIZING SERVICE MEMBERS IN ENROLL-
4 ING FOR MEDICAL BENEFITS WITH THE UNITED STATES DEPARTMENT OF VETERANS
5 AFFAIRS DURING THE DEMOBILIZATION PHASE. THE NEW YORK STATE DEPLOYMENT
6 CYCLE SUPPORT TEAMS SHALL PROVIDE OTHER EVENTS FROM THE INITIAL REINTE-
7 GRATION ACTIVITY AS DETERMINED BY THE STATE OFFICE OF REINTEGRATION
8 PROGRAMS. REMAINING EVENTS SHALL BE CONDUCTED DURING THE POST-DEPLOYMENT
9 RECONSTITUTION PHASE.

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

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

16 (II) ASSISTING WITH UNEMPLOYMENT AND ENROLLMENT IN EMPLOYMENT TRANSI-
17 TION SERVICES;

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

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

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

23 (VI) LEGAL BRIEFINGS AND LEGAL ASSISTANCE; AND

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

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

36 (B) THE STATE OFFICE OF REINTEGRATION PROGRAMS SHALL HOLD REINTE-
37 GRATION ACTIVITIES AT THE THIRTY-DAY, SIXTY-DAY, AND NINETY-DAY INTERVAL
38 FOLLOWING DEMOBILIZATION IN COORDINATION WITH THE DIVISION OF MILITARY
39 AND NAVAL AFFAIRS. THESE ACTIVITIES SHALL FOCUS ON RECONNECTING SERVICE
40 MEMBERS AND FAMILY MEMBERS WITH THE SERVICE PROVIDERS FROM INITIAL REIN-
41 TEGRATION ACTIVITY TO ENSURE SERVICE MEMBERS AND THEIR FAMILIES UNDER-
42 STAND WHAT BENEFITS THEY ARE ENTITLED TO AND WHAT RESOURCES ARE AVAIL-
43 ABLE TO HELP THEM OVERCOME THE CHALLENGES OF REINTEGRATION. THE
44 REINTEGRATION ACTIVITIES SHOULD ALSO PROVIDE A FORUM FOR SERVICE MEMBERS
45 AND FAMILIES TO ADDRESS NEGATIVE BEHAVIORS RELATED TO COMBAT STRESS AND
46 TRANSITION. ONE OF THE REINTEGRATION ACTIVITIES SHALL BE FOR SERVICE
47 MEMBERS TO CONDUCT A THOROUGH POST-DEPLOYMENT HEALTH REASSESSMENT OF
48 COMBAT VETERANS AND PROVIDE ANY REMAINING MEDICAL OR DENTAL SERVICES.
49 ACTIVITIES, EVENTS, AND SERVICES PROVIDED AT THE THIRTY-DAY, SIXTY-DAY,
50 AND NINETY-DAY REINTEGRATION ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMIT-
51 ED TO:

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

53 (II) PREVENTION AND RELATIONSHIP ENHANCEMENT PROGRAM MARRIAGE ENRICH-
54 MENT WORKSHOP TO FOCUS ON ASSISTING SERVICE MEMBERS TO RECONNECT WITH
55 THEIR SPOUSES;

56 (III) SINGLE SERVICE MEMBER CHALLENGES WORKSHOP;

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

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

8 (VI) ANGER MANAGEMENT WORKSHOP;

9 (VII) SUBSTANCE ABUSE WORKSHOP;

10 (VIII) GAMBLING ABUSE WORKSHOP;

11 (IX) LAW ENFORCEMENT BRIEFING;

12 (X) TRICARE AND MILITARY ONESOURCE REPRESENTATIVES;

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

17 (XII) REINTEGRATION PROGRAM ASSESSMENT.

18 6. (A) THE DIRECTOR OF REINTEGRATION, IN COOPERATION WITH THE DIVISION
19 OF MILITARY AND NAVAL AFFAIRS, THE DIVISION OF VETERANS' AFFAIRS, THE
20 DEPARTMENT OF HEALTH, THE OFFICE OF MENTAL HEALTH, THE OFFICE OF MENTAL
21 RETARDATION AND DEVELOPMENTAL DISABILITIES AND THE OFFICE OF ALCOHOLISM
22 AND SUBSTANCE ABUSE SERVICES, SHALL ESTABLISH A PROGRAM TO MONITOR AND
23 COORDINATE MENTAL HEALTH AND REHABILITATIVE SERVICES SUPPORT FOR VETER-
24 ANS AND MEMBERS OF THE NATIONAL GUARD AND RESIDENTS IN THE ARMED FORCES
25 RESERVES NOT IN ACTIVE FEDERAL SERVICE. THE PROGRAM SHALL ALSO SUPPORT
26 FAMILY MEMBERS AFFECTED BY COVERED MILITARY MEMBERS' SERVICE AND DEPLOY-
27 MENTS. THE PURPOSE OF THE PROGRAM IS TO ENSURE THAT ADEQUATE AND TIMELY
28 ASSESSMENT, TREATMENT, AND SUPPORT ARE AVAILABLE TO VETERANS, SERVICE
29 MEMBERS, AND AFFECTED FAMILY MEMBERS.

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

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

40 S 345. POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY QUES-
41 TIONNAIRES. 1. AN OFFICER OR ENLISTED PERSON SERVING IN THE NATIONAL
42 GUARD WHILE UNDER STATE JURISDICTION SHALL TAKE A DIVISION-ADMINISTERED
43 POST-TRAUMATIC STRESS DISORDER QUESTIONNAIRE AND A TRAUMATIC BRAIN INJU-
44 RY QUESTIONNAIRE UNDER THE SUPERVISION OF THE DIRECTOR OF REINTEGRATION
45 BEFORE BEING DEPLOYED IN OPERATION IRAQI FREEDOM, OPERATION ENDURING
46 FREEDOM, OR ANY OTHER OVERSEAS SERVICE PURSUANT TO ANY FUTURE DECLARA-
47 TION OF WAR BY THE UNITED STATES CONGRESS OR THE BEGINNING OF AN EMER-
48 GENCY CONDITION RECOGNIZED BY THE ISSUANCE OF A PRESIDENTIAL PROCLAMA-
49 TION OR A PRESIDENTIAL EXECUTIVE ORDER.

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

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

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

8 4. THE OFFICER OR ENLISTED PERSON IS EXEMPT FROM THE DIVISION-ADMINIS-
9 TERED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY REQUIRE-
10 MENTS IF HE OR SHE HAS COMPLETED SIMILAR QUESTIONNAIRES APPROVED BY THE
11 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THE UNITED STATES
12 DEPARTMENT OF DEFENSE WHILE UNDER THE CONTROL OF THE FEDERAL GOVERNMENT.

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

20 6. THE QUESTIONNAIRES SHALL BE DEVELOPED BY THE ADJUTANT GENERAL WITH
21 THE ASSISTANCE OF THE DIRECTOR OF REINTEGRATION, ANY STATEWIDE ASSOCI-
22 ATIONS SPECIALIZING IN TRAUMATIC BRAIN INJURIES AND THE OFFICE OF MENTAL
23 HEALTH AND SHALL BE APPROVED BY THE UNITED STATES DEPARTMENT OF VETERANS
24 AFFAIRS OR THE UNITED STATES DEPARTMENT OF DEFENSE.

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

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

29 1. The traumatic brain injury services coordinating council is hereby
30 established and shall consist of the following persons or their desig-
31 nees: the commissioner, the commissioner of mental retardation and
32 developmental disabilities, the office of mental health, the commission-
33 er of education, the commissioner of alcoholism and substance abuse
34 services, the commissioner of social services, THE ADJUTANT GENERAL, THE
35 STATE DIRECTOR OF REINTEGRATION, THE DIRECTOR OF THE DIVISION OF VETER-
36 ANS' AFFAIRS, the state advocate for the disabled and the commission on
37 quality of care for the mentally disabled. In addition, the council
38 shall consist of the following persons: five persons appointed by the
39 governor, three of whom shall be persons with traumatic brain injury and
40 two of whom shall be representative of the public and have a demon-
41 strated expertise and interest in traumatic brain injury; two persons
42 appointed by the temporary president of the senate, one of whom shall be
43 a person with traumatic brain injury and one of whom shall be represen-
44 tative of the public and have a demonstrated expertise and interest in
45 traumatic brain injury; two persons appointed by the speaker of the
46 assembly, one of whom shall be a person with traumatic brain injury and
47 one of whom shall be representative of the public and have a demon-
48 strated expertise and interest in traumatic brain injury, one person
49 appointed by the minority leader of the senate who shall be a person
50 with traumatic brain injury or be representative of the public and have
51 a demonstrated expertise and interest in traumatic brain injury; and one
52 person appointed by the minority leader of the assembly who shall be a
53 person with traumatic brain injury or be representative of the public
54 and have a demonstrated expertise and interest in traumatic brain inju-
55 ry. Of the five persons appointed by the governor, three shall serve for
56 a term of one year, one shall serve for a term of two years and one

1 shall serve for a term of three years. Of the two persons appointed by
2 the temporary president of the senate, one shall serve for a term of two
3 years and one shall serve for a term of three years. Of the two persons
4 appointed by the speaker of the assembly, one shall serve for a term of
5 two years and one shall serve for a term of three years. The person
6 appointed by the minority leader of the senate and the person appointed
7 by the minority leader of the assembly shall serve for a term of one
8 year. Subsequent appointments for vacancies shall be for a term of three
9 years and shall be filled in the same manner as the original appoint-
10 ment.

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

14 1. There is hereby created within the department the veterans health
15 care information program (referred to in this section as the "program"),
16 which shall provide information on health issues associated with mili-
17 tary duty, including but not limited to Agent Orange, Gulf War
18 Syndromes, toxic materials or harmful physical agents such as, depleted
19 uranium, and EXPOSURE TO IONIZING RADIATION AS THE RESULT OF ATOMIC
20 WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED
21 FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE, hepatitis C AND SPECIFIC
22 MENTAL AND PHYSICAL HEALTH ISSUES INCLUDING POST-TRAUMATIC STRESS DISOR-
23 DER AND BRAIN-RELATED INJURIES, for veterans, their surviving spouses
24 and health care providers.

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

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

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

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

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

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

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

1 S 5. The criminal procedure law is amended by adding a new section
2 220.16 to read as follows:

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

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

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

14 (B) SUFFERS FROM MENTAL DISEASE OR DEFECT; AND

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

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

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

31 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE COURT'S
32 AUTHORITY TO ORDER ANY OTHER SANCTION OR TO TREAT THE DEFENDANT'S PLEA
33 AS A PLEA OF NOT RESPONSIBLE BY REASON OF MENTAL DISEASE OR DEFECT
34 PURSUANT TO SECTION 220.15 OF THIS ARTICLE, SUBJECT TO THE PROVISIONS OF
35 SUCH SECTION, AND THEREFORE APPLY THE PROCEDURES SET FORTH IN SECTION
36 330.20 OF THIS TITLE.

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

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

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

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

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

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

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

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

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

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