

2102

2011-2012 Regular Sessions

I N A S S E M B L Y

January 13, 2011

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Veterans' Affairs

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  
18 APPLICABLE BENEFITS. STATE COUNSELORS SHALL WORK WITH COUNTY COUNSELORS  
19 OR ANY ACCREDITED SERVICE OFFICERS OF AN ORGANIZATION CHARTERED BY THE  
20 CONGRESS OF THE UNITED STATES AND/OR RECOGNIZED BY THE DEPARTMENT OF  
21 VETERANS AFFAIRS FOR CLAIM REPRESENTATION AS NECESSARY AND WHERE APPRO-  
22 PRIATE. SUCH INFORMATION SHALL BE PROTECTED AS PERSONAL CONFIDENTIAL  
23 INFORMATION UNDER ARTICLE SIX-A OF THE PUBLIC OFFICERS LAW AGAINST

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

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1 DISCLOSURE OF CONFIDENTIAL MATERIAL, AND SHALL BE USED ONLY TO ASSIST IN  
2 PROVIDING LINKAGE TO APPLICABLE BENEFITS AND ENTITLEMENTS UNDER FEDERAL  
3 AND STATE LAW.

4 2. THE DIVISION SHALL INCLUDE WITHIN THE ANNUAL REPORT AS REQUIRED BY  
5 SUBDIVISION ELEVEN OF SECTION THREE HUNDRED FIFTY-THREE OF THIS ARTICLE,  
6 AN ACCOUNTING OF INFORMATION RECEIVED FROM LOCAL SOCIAL SERVICES  
7 DISTRICTS AND SHELTERS RUN BY NOT-FOR-PROFIT ORGANIZATIONS AND THE  
8 SPECIFIC NUMBER OF VETERANS AND SPOUSES OF VETERANS LINKED TO APPLICABLE  
9 BENEFITS. SUCH REPORT SHALL EVALUATE THE AVERAGE TIME TAKEN BY THE DIVI-  
10 SION BETWEEN RECEIPT OF SUCH INFORMATION, TRANSMISSION TO VETERANS COUN-  
11 SELORS AND LINKAGE TO AVAILABLE BENEFITS. SUCH REPORT SHALL ALSO EVALU-  
12 ATE THE EFFECTIVENESS OF THE PROGRAM AND MAKE RECOMMENDATIONS FOR  
13 IMPROVEMENTS AS NECESSARY.

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

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

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

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

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

42 1. The department shall continue to collect, maintain, and analyze  
43 statistical and other information and data with respect to persons  
44 subject to the jurisdiction of the department, including but not limited  
45 to: (a) the number of such persons: placed in the custody of the depart-  
46 ment, assigned to a specific department program, accorded temporary  
47 release, paroled or conditionally released, paroled or conditionally  
48 released and declared delinquent, recommitted to a state correctional  
49 institution upon revocation of parole or conditional release, or  
50 discharge upon maximum expiration of sentence; (b) the criminal history  
51 of such persons; (c) the social, educational, and vocational circum-  
52 stances of any such persons; [and,] (d) the institutional, parole and  
53 conditional release programs and behavior of such persons; AND, (E) THE  
54 MILITARY BACKGROUND AND CIRCUMSTANCES, IF SUCH PERSON SERVED IN THE  
55 UNITED STATES ARMED FORCES. Provided, however, in the event any statis-  
56 tical information on the ethnic background of the inmate population of a

1 correctional facility or facilities is collected by the department, such  
2 statistical information shall contain, but not be limited to, the  
3 following ethnic categories: (i) Caucasian; (ii) Asian; (iii) American  
4 Indian; (iv) Afro-American/Black; and (v) Spanish speaking/Hispanic  
5 which category shall include, but not be limited to, the following  
6 subcategories consisting of: (1) Puerto Ricans; (2) Cubans; (3) Domini-  
7 cans; and (4) other Hispanic nationalities.

8 5. THE COMMISSIONER SHALL REPORT TO THE LEGISLATURE ON THE NUMBER OF  
9 INMATES WHO ARE CURRENTLY SERVING SENTENCES IN STATE CORRECTIONAL FACIL-  
10 ITIES AND ANY LOCAL CORRECTIONAL FACILITIES WHO HAVE SERVED IN THE  
11 UNITED STATES ARMED FORCES. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMIT-  
12 ED TO THE FOLLOWING: A BREAKDOWN OF THE NUMBER OF INMATES BY BRANCH OF  
13 SERVICE, TIME PERIOD OF MILITARY SERVICE AND THE TYPE OF DISCHARGE THE  
14 INMATE RECEIVED UPON SEPARATION FROM THE MILITARY. SUCH REPORT SHALL BE  
15 DONE ANNUALLY.

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