

5268

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to establishing a prompt response and notification program for missing persons with developmental disabilities, Alzheimer's disease or other dementia

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

1 Section 1. Section 837 of the executive law is amended by adding a new
2 subdivision 19 to read as follows:
3 19. (A) IN CONSULTATION WITH THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL
4 DISABILITIES, OFFICE OF MENTAL HEALTH, DIVISION OF STATE POLICE AND
5 OTHER APPROPRIATE AGENCIES, DEVELOP, AND REGULARLY UPDATE AND DISTRIB-
6 UTE, MODEL MISSING PERSONS WITH DEVELOPMENTAL DISABILITIES, ALZHEIMER'S
7 DISEASE OR OTHER DEMENTIA PROMPT RESPONSE AND NOTIFICATION PLANS, WHICH
8 SHALL BE AVAILABLE FOR USE, IN THEIR DISCRETION, AS APPROPRIATE, BY
9 LOCAL COMMUNITIES AND LAW ENFORCEMENT PERSONNEL. SUCH PLANS SHALL
10 INVOLVE A PRO-ACTIVE, COORDINATED RESPONSE, PLANNED IN ADVANCE, THAT MAY
11 BE PROMPTLY TRIGGERED BY LAW ENFORCEMENT PERSONNEL UPON CONFIRMATION BY
12 A POLICE OFFICER, PEACE OFFICER OR POLICE AGENCY OF A REPORT OF SUCH A
13 MISSING PERSON.
14 (B) SUCH PLANS SHALL, AT A MINIMUM, PROVIDE THAT:
15 (I) THE NAME OF SUCH MISSING PERSON, A DESCRIPTION OF THE PERSON AND
16 OTHER PERTINENT INFORMATION MAY BE PROMPTLY DISPATCHED OVER THE POLICE
17 COMMUNICATION SYSTEM;
18 (II) SUCH INFORMATION MAY BE IMMEDIATELY PROVIDED ORALLY, ELECTRON-
19 ICALLY OR BY FACSIMILE TRANSMISSION TO ONE OR MORE RADIO STATIONS AND
20 OTHER BROADCAST MEDIA OUTLETS SERVING THE COMMUNITY INCLUDING, BUT NOT
21 LIMITED TO, THOSE WHICH HAVE VOLUNTARILY AGREED, IN ADVANCE, TO PROMPTLY
22 NOTIFY OTHER SUCH RADIO STATIONS AND OTHER BROADCAST MEDIA OUTLETS IN
23 LIKE MANNER;

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

LBD11348-01-1

1 (III) SUCH INFORMATION MAY BE IMMEDIATELY PROVIDED BY ELECTRONIC MAIL
2 MESSAGE TO ONE OR MORE INTERNET SERVICE PROVIDERS AND COMMERCIAL MOBILE
3 SERVICE PROVIDERS SERVING THE COMMUNITY INCLUDING, BUT NOT LIMITED TO,
4 THOSE WHICH HAVE VOLUNTARILY AGREED, IN ADVANCE, TO PROMPTLY NOTIFY
5 OTHER SUCH INTERNET SERVICE PROVIDERS IN LIKE MANNER;

6 (IV) PARTICIPATING RADIO STATIONS AND OTHER PARTICIPATING BROADCAST
7 MEDIA OUTLETS SERVING THE COMMUNITY MAY VOLUNTARILY AGREE TO PROMPTLY
8 BROADCAST A MISSING CHILD ALERT PROVIDING PERTINENT DETAILS CONCERNING
9 THE PERSON'S DISAPPEARANCE, BREAKING INTO REGULAR PROGRAMMING WHERE
10 APPROPRIATE;

11 (V) PARTICIPATING INTERNET SERVICE PROVIDERS AND COMMERCIAL MOBILE
12 SERVICE PROVIDERS SERVING THE COMMUNITY MAY VOLUNTARILY AGREE TO PROMPT-
13 LY PROVIDE BY ELECTRONIC MAIL MESSAGE A MISSING MENTALLY DISABLED PERSON
14 ALERT PROVIDING PERTINENT DETAILS CONCERNING THE PERSON'S DISAPPEARANCE;

15 (VI) POLICE AGENCIES NOT CONNECTED WITH THE BASIC POLICE COMMUNICATION
16 SYSTEM IN USE IN SUCH JURISDICTION MAY TRANSMIT SUCH INFORMATION TO THE
17 NEAREST OR MOST CONVENIENT ELECTRONIC ENTRY POINT, FROM WHICH POINT IT
18 MAY BE PROMPTLY DISPATCHED, IN CONFORMITY WITH THE ORDERS, RULES OR
19 REGULATIONS GOVERNING THE SYSTEM; AND

20 (VII) NO DISPATCH OR TRANSMISSION OF A REPORT CONCERNING A MISSING
21 MENTALLY DISABLED PERSON SHALL BE REQUIRED BY SUCH PLAN IF THE INVESTI-
22 GATING POLICE DEPARTMENT ADVISES, IN ITS DISCRETION, THAT THE RELEASE OF
23 SUCH INFORMATION MAY JEOPARDIZE THE INVESTIGATION OR THE SAFETY OF THE
24 PERSON, OR REQUESTS FORBEARANCE FOR ANY REASON.

25 (C) THE COMMISSIONER SHALL ALSO DESIGNATE A UNIT WITHIN THE DIVISION
26 THAT SHALL ASSIST LAW ENFORCEMENT AGENCIES AND REPRESENTATIVES OF RADIO
27 STATIONS, BROADCAST MEDIA OUTLETS, INTERNET SERVICE PROVIDERS AND
28 COMMERCIAL MOBILE SERVICE PROVIDERS IN THE DESIGN, IMPLEMENTATION AND
29 IMPROVEMENT OF MENTALLY DISABLED PERSON PROMPT RESPONSE AND NOTIFICATION
30 PLANS. SUCH UNIT SHALL MAKE ONGOING OUTREACH EFFORTS TO LOCAL GOVERN-
31 MENT ENTITIES AND LOCAL LAW ENFORCEMENT AGENCIES TO ASSIST SUCH ENTITIES
32 AND AGENCIES IN THE IMPLEMENTATION AND OPERATION OF SUCH PLANS WITH THE
33 GOAL OF IMPLEMENTING AND OPERATING SUCH PLANS IN EVERY JURISDICTION IN
34 NEW YORK STATE.

35 (D) THE COMMISSIONER SHALL ALSO MAINTAIN AND MAKE AVAILABLE TO APPRO-
36 PRIATE STATE AND LOCAL LAW ENFORCEMENT AGENCIES UP-TO-DATE INFORMATION
37 CONCERNING TECHNOLOGICAL ADVANCES THAT MAY ASSIST IN FACILITATING THE
38 RECOVERY OF MISSING MENTALLY DISABLED PERSONS.

39 S 2. This act shall take effect on the first of January next succeed-
40 ing the date on which it shall have become a law.