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

2189

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. LAVINE, LUPARDO, RUSSELL, SCHIMEL, SIMANOWITZ, JAFFEE, SKARTADOS, BROOK-KRASNY, BARRETT, SCARBOROUGH, COOK, CLARK, BARRON, MOYA, GIBSON -- Multi-Sponsored by -- M. of A. CRESPO, CROUCH, CYMBROWITZ, DUPREY, JOHNS, KEARNS, MALLIOTAKIS, McDONOUGH, McKEVITT, MONTESANO, RAIA -- 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 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:

Section 1. Section 353 of the executive law is amended by adding a new subdivision 21 to read as follows:

21. TO DEVELOP, IN CONSULTATION WITH THE DEPARTMENT OF MENTAL HEALTH, A PROGRAM FOR THE IDENTIFICATION, DIAGNOSIS, COUNSELING AND TREATMENT OF VETERANS WHO SUFFER FROM POST-TRAUMATIC STRESS DISORDER, TRAUMATIC BRAIN INJURY AND OTHER BRAIN-RELATED INJURIES. SUCH PROGRAM SHALL INCLUDE PROCEDURES FOR IDENTIFYING VETERANS WHO MAY NEED ASSISTANCE AND INFORMATION AND OUTREACH TO MAKE VETERANS AWARE OF AVAILABLE PROGRAMS AND SERVICES.

S 2. 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 hepatitis C, AND SPECIFIC MENTAL AND PHYSICAL HEALTH ISSUES INCLUDING POST-TRAUMATIC STRESS DISORDER, TRAUMATIC BRAIN INJURY AND

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

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OTHER BRAIN-RELATED INJURIES, for veterans, their surviving spouses and health care providers.

S 3. Subdivision 1 of section 29 of the correction law, as amended by section 12 of subpart A of part C of chapter 62 of the laws of 2011, is amended and a new subdivision 5 is added to read as follows:

1. The department shall continue to collect, maintain, and analyze statistical and other information and data with respect to persons subject to the jurisdiction of the department, including but not limited to: (a) the number of such persons: placed in the custody of the department, assigned to a specific department program, accorded community supervision and declared delinquent, recommitted to a state correctional institution upon revocation of community supervision, or discharged upon maximum expiration of sentence; (b) the criminal history of such persons; (c) the social, educational, and vocational circumstances of any such persons; [and,] (d) the institutional and community supervision programs and the behavior of such persons; AND, (E) THE MILITARY BACKGROUND AND CIRCUMSTANCES, IF SUCH PERSON SERVED IN THE UNITED STATES ARMED FORCES. Provided, however, in the event any statistical information on the ethnic background of the inmate population of a correctional facility or facilities is collected by the department, such statistical information shall contain, but not be limited to, the following ethnic categories: (i) Caucasian; (ii) Asian; (iii) American Indian; (iv) Afro-American/Black; and (v) Spanish speaking/Hispanic which category shall include, but not be limited to, the following subcategories consisting of: (1) Puerto Ricans; (2) Cubans; (3) Dominicans; and (4) other Hispanic nationalities.

5. THE COMMISSIONER SHALL REPORT TO THE LEGISLATURE ON THE NUMBER OF INMATES WHO ARE CURRENTLY SERVING SENTENCES IN STATE CORRECTIONAL FACILITIES AND ANY LOCAL CORRECTIONAL FACILITIES WHO HAVE SERVED IN THE UNITED STATES ARMED FORCES. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING: A BREAKDOWN OF THE NUMBER OF INMATES BY BRANCH OF SERVICE, TIME PERIOD OF MILITARY SERVICE AND THE TYPE OF DISCHARGE THE INMATE RECEIVED UPON SEPARATION FROM THE MILITARY. SUCH REPORT SHALL BE DONE ANNUALLY.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, that any rules and regulations necessary for the timely implementation of this act on its effective date shall be promulgated on or before such date.