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

5622

2013-2014 Regular Sessions

I N S E N A T E

May 29, 2013

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, and the social services law, in relation to the cross check of social services applicants against the terrorist screening database

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

Section 1. The executive law is amended by adding a new section 719 to read as follows:

S 719. TERRORIST SCREENING DATABASE SUPPORT COUNCIL. THERE SHALL HEREBY BE ESTABLISHED A TERRORIST SCREENING DATABASE SUPPORT COUNCIL WHICH SHALL CONSIST OF THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, WHO SHALL BE ITS CHAIR, THE SUPERINTENDENT OF THE DIVISION OF THE STATE POLICE, THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES, THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, AND THE COMMISSIONER OF CHILDREN AND FAMILY SERVICES. THE COUNCIL SHALL BE STAFFED BY EMPLOYEES OF THE RESPECTIVE AGENCIES REPRESENTED ON THE COUNCIL, AS DIRECTED BY THE MEMBERS OF THE COUNCIL. IT SHALL BE THE PURPOSE OF THE COUNCIL TO PROVIDE ANY ASSISTANCE NEEDED BY LOCAL GOVERNMENTS, INCLUDING THEIR LAW ENFORCEMENT ENTITIES AND SOCIAL SERVICES DISTRICTS, TO OBTAIN INFORMATION FROM THE TERRORIST SCREENING CENTER, OPERATED BY THE FEDERAL BUREAU OF INVESTIGATION, WITH RESPECT TO INDIVIDUALS CONTAINED ON THE TERRORIST SCREENING DATABASE.

S 2. Section 65 of the social services law is amended by adding a new subdivision 5 to read as follows:

5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO COUNTY SHALL PROVIDE ANY SOCIAL SERVICE TO ANY PERSON, OTHER THAN EMERGENCY MEDICAL TREATMENT OR PAYMENT THEREFORE, IF SUCH PERSON APPLYING FOR SUCH SOCIAL SERVICE HAS NOT RECEIVED TERRORIST SCREENING CLEARANCE

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

LBD11293-01-3

FROM THE TERRORIST SCREENING DATABASE SUPPORT COUNCIL, ESTABLISHED PURSUANT TO SECTION SEVEN HUNDRED NINETEEN OF THE EXECUTIVE LAW. UPON APPLICATION FOR ANY SOCIAL SERVICE, THE COUNTY SOCIAL SERVICES COMMISSIONER SHALL CAUSE TO BE FORWARDED TO THE TERRORIST SCREENING DATABASE SUPPORT COUNCIL, THE NAME AND NECESSARY INFORMATION OF SUCH PERSON APPLYING FOR SUCH SOCIAL SERVICE. UPON RECEIPT OF THE NAME AND NECESSARY INFORMATION OF SUCH PERSON, THE TERRORIST SCREENING DATABASE SUPPORT COUNCIL SHALL CONTACT THE TERRORIST SCREENING CENTER, OPERATED BY THE FEDERAL BUREAU OF INVESTIGATION, TO DETERMINE, PURSUANT TO A CROSS CHECK WITH THE TERRORIST SCREENING DATABASE, IF SUCH PERSON APPLYING FOR THE SOCIAL SERVICE IS LISTED UPON THE TERRORIST SCREENING DATABASE. IN THE EVENT SUCH PERSON APPLYING FOR THE SOCIAL SERVICE RESIDES WITH OTHER PERSONS, THE COUNTY SOCIAL SERVICES COMMISSIONER SHALL CAUSE TO BE FORWARDED TO THE TERRORIST SCREENING DATABASE SUPPORT COUNCIL, FOR CROSS CHECK WITH THE TERRORIST SCREENING DATABASE, THE NAME AND NECESSARY INFORMATION OF THE APPLICANT, AND THE NAMES AND THE NECESSARY INFORMATION OF ALL PERSONS WHO RESIDE WITH SUCH APPLICANT. IF IT IS DETERMINED UPON SUCH CROSS CHECK, THAT THE APPLICANT, AND ALL PERSONS WHO RESIDE WITH SUCH APPLICANT, DO NOT HAVE THEIR NAME CONTAINED ON THE TERRORIST SCREENING DATABASE, THEN THE TERRORIST SCREENING DATABASE SUPPORT COUNCIL SHALL IMMEDIATELY PROVIDE THE COUNTY SOCIAL SERVICES COMMISSIONER WITH A CLEARANCE CERTIFICATION THAT SUCH PERSONS DO NOT HAVE THEIR NAMES CONTAINED ON THE TERRORIST SCREENING DATABASE. IF IT IS DETERMINED UPON SUCH CROSS CHECK PERFORMED BY THE TERRORIST SCREENING CENTER, HOWEVER, THAT THE APPLICANT, OR ANY PERSON RESIDING WITH THE APPLICANT, IS IN FACT LISTED UPON THE TERRORIST SCREENING DATABASE, THEN THE TERRORIST SCREENING DATABASE SUPPORT COUNCIL SHALL NOT PROVIDE THE COUNTY SOCIAL SERVICES COMMISSIONER WITH A CLEARANCE CERTIFICATION AND SUCH APPLICANT SHALL BE DENIED THE SOCIAL SERVICE SOUGHT.

S 3. This act shall take effect immediately.