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I N A S S E M B L Y

February 25, 2014

Introduced by M. of A. ABINANTI, OTIS, ROBINSON, JACOBS, JAFFEE, RIVERA, RAI, MARKEY, GOTTFRIED, SKOUFIS, BROOK-KRASNY, PAULIN, McDONOUGH, WEISENBERG -- Multi-Sponsored by -- M. of A. BRENNAN, CERETTO, DUPREY, LENTOL, MAYER, PEOPLES-STOKES, SWEENEY -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, the elder law, the public health law, and the executive law, in relation to the establishment of a statewide vulnerable person location system

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

1 Section 1. Legislative intent. The legislature hereby finds that the
2 tragedy where Avonte Oquendo wandered away from his school never to be
3 found alive highlights the continuing need to find ways to protect the
4 most vulnerable individuals in our state and to help prevent this type
5 of tragedy from happening again. The legislature further finds that a
6 state-wide program designed to make it easier to locate missing vulner-
7 able persons is one such mechanism to achieve this goal. Therefore, the
8 legislature finds it appropriate to enact legislation herein to be known
9 as "Avonte's Law".
10 S 2. Section 5.05 of the mental hygiene law is amended by adding a new
11 subdivision (f) to read as follows:
12 (F) THE COMMISSIONERS OF THE OFFICE OF MENTAL HEALTH AND THE OFFICE
13 FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES ARE HEREBY AUTHORIZED AND
14 INSTRUCTED TO PROMULGATE RULES AND REGULATIONS AND TAKE ALL STEPS AS MAY
15 BE NECESSARY TO ESTABLISH A MISSING PERSON LOCATOR PROGRAM, TO BE IMPE-
16 MENTED IN EVERY COUNTY IN THE STATE, THAT WILL MAKE AVAILABLE TO ALL
17 VULNERABLE OR AGING PERSONS WITHIN THEIR CARE AT COST, UPON REQUEST
18 PERSONALLY OR THROUGH AN AGENT, PARENT OR GUARDIAN, A PERSONAL LOCATOR
19 DEVICE TO BE PLACED ON SUCH INDIVIDUAL AND USED IN CONJUNCTION WITH THE
20 STATEWIDE MISSING PERSON LOCATOR SYSTEM DEVELOPED BY THE STATE POLICE
21 PURSUANT TO SECTION 837-F-2 OF THE EXECUTIVE LAW. THE STATE SHALL
22 PROVIDE PAYMENT OR A SUBSIDY FOR ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY
23 FOR SUCH LOCATOR DEVICE.

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

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1 S 3. Section 202 of the elder law is amended by adding two new subdi-
2 visions 16 and 17 to read as follows:

3 16. TO MAKE AVAILABLE TO ALL VULNERABLE OR AGING PERSONS WITHIN THEIR
4 CARE AT COST, UPON REQUEST PERSONALLY OR THROUGH AN AGENT, PARENT OR
5 GUARDIAN, A PERSONAL LOCATOR DEVICE TO BE PLACED ON SUCH INDIVIDUAL AND
6 USED IN CONJUNCTION WITH THE STATEWIDE MISSING PERSON LOCATOR SYSTEM
7 DEVELOPED BY THE STATE POLICE PURSUANT TO SECTION 837-F-2 OF THE EXECU-
8 TIVE LAW. THE STATE SHALL PROVIDE PAYMENT OR A SUBSIDY FOR ANY INDIVID-
9 UAL WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR DEVICE.

10 17. TO MAKE AVAILABLE TO ALL VULNERABLE OR AGING PERSONS WITHIN THE
11 CARE OF A PRIVATE FACILITY THAT IS SUBJECT TO THE PROVISIONS OF THIS
12 CHAPTER AT COST, UPON REQUEST PERSONALLY OR THROUGH AN AGENT, PARENT OR
13 GUARDIAN, A PERSONAL LOCATOR DEVICE TO BE PLACED ON SUCH INDIVIDUAL AND
14 USED IN CONJUNCTION WITH THE STATEWIDE MISSING PERSON LOCATOR SYSTEM
15 DEVELOPED BY THE STATE POLICE PURSUANT TO SECTION 837-F-2 OF THE EXECU-
16 TIVE LAW. THE STATE SHALL PROVIDE PAYMENT OR A SUBSIDY FOR ANY INDIVID-
17 UAL WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR DEVICE.

18 S 4. Section 206 of the public health law is amended by adding a new
19 subdivision 29 to read as follows:

20 29. THE COMMISSIONER SHALL MAKE AVAILABLE TO ALL VULNERABLE OR AGING
21 PERSONS WITHIN THEIR CARE AT COST, UPON REQUEST PERSONALLY OR THROUGH AN
22 AGENT, PARENT OR GUARDIAN, A PERSONAL LOCATOR DEVICE TO BE PLACED ON
23 SUCH INDIVIDUAL AND USED IN CONJUNCTION WITH THE STATEWIDE MISSING
24 PERSON LOCATOR SYSTEM DEVELOPED BY THE STATE POLICE PURSUANT TO SECTION
25 837-F-2 OF THE EXECUTIVE LAW. THE STATE SHALL PROVIDE PAYMENT OR A
26 SUBSIDY FOR ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR
27 DEVICE.

28 S 5. The executive law is amended by adding a new section 837-f-2 to
29 read as follows:

30 S 837-F-2. STATEWIDE MISSING PERSON LOCATOR SYSTEM. 1. THE STATE
31 POLICE ARE HEREBY AUTHORIZED AND INSTRUCTED TO PROMULGATE RULES AND
32 REGULATIONS AND TAKE ALL STEPS AS MAY BE NECESSARY TO IMPLEMENT A STATE-
33 WIDE LOCATOR PROGRAM THAT WILL FACILITATE THE LOCATION OF LOST VULNER-
34 ABLE OR AGING PERSONS. THE PROGRAM SHALL BE IMPLEMENTED IN CONJUNCTION
35 WITH ALL LOCAL LAW ENFORCEMENT AGENCIES AND THE STATE SHALL MAKE AVAIL-
36 ABLE IN EVERY COUNTY OF THE STATE EITHER THROUGH THE STATE POLICE, OR IN
37 COOPERATION WITH COUNTY AND/OR LOCAL LAW ENFORCEMENT AGENCIES, THE
38 NECESSARY LOCATOR EQUIPMENT.

39 2. THE STATE POLICE OR LOCAL LAW ENFORCEMENT AGENCY SHALL, AT COST TO
40 THE RECIPIENT, PROVIDE A BRACELET OR SIMILAR PERSONAL LOCATOR DEVICE TO
41 ANY DEPARTMENT, OFFICE, OR AGENCY THAT IS INVOLVED IN THE CARE AND/OR
42 HOUSING OF A VULNERABLE OR AGING PERSON. THE STATE POLICE SHALL ALSO
43 MAKE SUCH LOCATOR DEVICES AVAILABLE, AT COST, TO ANY PRIVATE VULNERABLE
44 OR AGING INDIVIDUAL. THE STATE SHALL PROVIDE PAYMENT OR A SUBSIDY FOR
45 ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR DEVICE.

46 3. THE LOCATOR DEVICE USED IN CONJUNCTION WITH THIS PROGRAM MUST RELY
47 UPON THE USE OF RADIODETERMINATION TECHNOLOGY RATHER THAN A GLOBAL POSI-
48 TIONING SYSTEM OR SATELLITE NAVIGATION SYSTEM.

49 4. THE STATE POLICE OR OTHER LAW ENFORCEMENT, SHALL APPROVE AND DESIG-
50 NATE PRIVATE ORGANIZATIONS WHO ARE AUTHORIZED TO DISSEMINATE SUCH LOCA-
51 TOR BRACELETS OR DEVICES FOR USE BY AGING OR VULNERABLE INDIVIDUALS.

52 S 6. This act shall take effect on the one hundred eightieth day after
53 it shall have become a law. Effective immediately, the addition, amend-
54 ment, and/or repeal of any rule or regulation necessary for the timely
55 implementation of this act on its effective date is hereby authorized to
56 be made on or before such effective date.