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

3876

2013-2014 Regular Sessions

I N S E N A T E

February 26, 2013

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:

Section 1. Section 837 of the executive law is amended by adding a new subdivision 20 to read as follows:

20. (A) IN CONSULTATION WITH THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE OF MENTAL HEALTH, DIVISION OF STATE POLICE AND OTHER APPROPRIATE AGENCIES, DEVELOP, REGULARLY UPDATE AND DISTRIBUTE, MODEL MISSING PERSONS WITH DEVELOPMENTAL DISABILITIES, ALZHEIMER'S DISEASE OR OTHER DEMENTIA PROMPT RESPONSE AND NOTIFICATION PLANS, WHICH SHALL BE AVAILABLE FOR USE, IN THEIR DISCRETION, AS APPROPRIATE, BY LOCAL COMMUNITIES AND LAW ENFORCEMENT PERSONNEL. SUCH PLANS SHALL INVOLVE A PRO-ACTIVE, COORDINATED RESPONSE, PLANNED IN ADVANCE, THAT MAY BE PROMPTLY TRIGGERED BY LAW ENFORCEMENT PERSONNEL UPON CONFIRMATION BY A POLICE OFFICER, PEACE OFFICER OR POLICE AGENCY OF A REPORT OF SUCH A MISSING PERSON.

(B) SUCH PLANS SHALL, AT A MINIMUM, PROVIDE THAT:

(I) THE NAME OF SUCH MISSING PERSON, A DESCRIPTION OF THE PERSON AND OTHER PERTINENT INFORMATION MAY BE PROMPTLY DISPATCHED OVER THE POLICE COMMUNICATION SYSTEM;

(II) SUCH INFORMATION MAY BE IMMEDIATELY PROVIDED ORALLY, ELECTRONICALLY OR BY FACSIMILE TRANSMISSION TO ONE OR MORE RADIO STATIONS AND OTHER BROADCAST MEDIA OUTLETS SERVING THE COMMUNITY INCLUDING, BUT NOT LIMITED TO, THOSE WHICH HAVE VOLUNTARILY AGREED, IN ADVANCE, TO PROMPTLY NOTIFY OTHER SUCH RADIO STATIONS AND OTHER BROADCAST MEDIA OUTLETS IN LIKE MANNER;

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

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

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

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

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

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

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

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

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.