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I N   S E N A T E

May 15, 2014

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

AN ACT to amend the public health law and the executive law, in relation to establishing an electronic monitoring program for children diagnosed with an autism spectrum disorder as well as other developmental disabilities

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

1     Section 1. The public health law is amended by adding a new section  
2     2507 to read as follows:  
3     S 2507. ELECTRONIC MONITORING FOR CHILDREN WITH DEVELOPMENTAL DISABIL-  
4     ITIES. 1. FOR THE PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL  
5     HAVE THE FOLLOWING MEANINGS:  
6         (A) "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF HEALTH;  
7         (B) "CHILD" SHALL MEAN A PERSON UNDER THE AGE OF EIGHTEEN YEARS;  
8         (C) "ELIGIBLE APPLICANT" SHALL MEAN THE PARENT, LEGAL GUARDIAN OR  
9     CUSTODIAN OF A CHILD WHO HAS BEEN DIAGNOSED BY A PHYSICIAN AS HAVING AN  
10    AUTISM SPECTRUM DISORDER AS DETERMINED BY SECTION TWENTY-FIVE HUNDRED-J  
11    OF THIS TITLE OR OTHER DEVELOPMENTAL DISABILITY;  
12         (D) "AUTHORIZED FAMILY MEMBER" SHALL MEAN A DESIGNATED PARENT, GRAND-  
13    PARENT, SIBLING OLDER THAN THE AGE OF EIGHTEEN, LEGAL GUARDIAN OR CUSTO-  
14    DIAN WHO IS AUTHORIZED TO USE A RECEIVING DEVICE THAT IS ABLE TO TRACK  
15    THE GEOGRAPHIC LOCATION OF AN ELECTRONIC MONITORING DEVICE. SUCH INDIV-  
16    IDUALS SHALL BE LISTED ON THE APPLICATION SUBMITTED TO THE DEPARTMENT;  
17    AND  
18         (E) "ELECTRONIC MONITORING DEVICE" SHALL MEAN ANY RADIO, GLOBAL POSI-  
19    TIONING SYSTEM, CELLULAR DEVICE OR ANY OTHER SATELLITE-BASED MONITORING  
20    DEVICE THAT CAN PROVIDE CONTINUOUS TRACKING OF THE GEOGRAPHIC LOCATION  
21    OF CHILDREN AND AN AUTOMATED MONITORING SYSTEM THAT CAN BE USED BY AN  
22    APPROPRIATE LAW ENFORCEMENT AGENCY AT THE REQUEST OF AN AUTHORIZED FAMI-  
23    LY MEMBER.  
24    2. THE COMMISSIONER SHALL ESTABLISH A PROGRAM TO PROVIDE ELECTRONIC  
25    MONITORING DEVICES TO AN ELIGIBLE APPLICANT FOR THE PURPOSE OF BEING  
26    ABLE TO GEOGRAPHICALLY LOCATE A CHILD UPON CIRCUMSTANCES WHERE THE CHILD

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

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1 IS UNABLE TO BE ACCOUNTED FOR. THE PROGRAM SHALL FACILITATE THE SAFE  
2 RECOVERY OF CHILDREN DIAGNOSED WITH AN AUTISM SPECTRUM DISORDER OR  
3 ANOTHER DEVELOPMENTAL DISABILITY WHO ARE MISSING OR ABDUCTED.

4 3. THE PROGRAM SHALL BE VOLUNTARY AND THE FOLLOWING PROCEDURE SHALL BE  
5 USED FOR THE ADMINISTRATION OF THE PROGRAM:

6 (A) AN ELIGIBLE APPLICANT MAY FILE AN APPLICATION WITH THE DEPARTMENT  
7 TO BE GRANTED ACCESS TO THE PROGRAM;

8 (B) UPON FILING THE APPLICATION, AN ELIGIBLE APPLICANT SHALL BE ISSUED  
9 AN ELECTRONIC MONITORING DEVICE THAT MAY BE WORN BY THE CHILD, AND A  
10 RECEIVER THAT MAY BE USED TO TRACK THE PHYSICAL LOCATION OF THE CHILD;

11 (C) IF A CHILD IS MISSING AN AUTHORIZED FAMILY MEMBER MAY COORDINATE  
12 WITH THE APPROPRIATE LAW ENFORCEMENT AGENCY AND INFORM THE AGENCY OF THE  
13 LOCATION OF THE CHILD USING THE ELECTRONIC MONITORING DEVICE AND RECEIV-  
14 ER; AND

15 (D) ALL APPLICANT INFORMATION PROVIDED BY THE PARENT TO THE DEPARTMENT  
16 SHALL REMAIN CONFIDENTIAL AND NOT BE DIVULGED BY THE DEPARTMENT EXCEPT  
17 IN CASES WHERE THE AUTHORIZED FAMILY MEMBER SIGNS A SEPARATE CONSENT  
18 FORM PROVIDING THAT ANY PERSONALLY IDENTIFIABLE INFORMATION ON THE CHILD  
19 MAY ONLY BE RELEASED IN THE EVENT THAT AN AUTHORIZED FAMILY MEMBER SEEKS  
20 LAW ENFORCEMENT ACTION TO FIND THE LOCATION OF A MISSING CHILD.

21 4. TO THE EXTENT POSSIBLE, THE COMMISSIONER SHALL UTILIZE MUNICI-  
22 PALITIES AND OTHER ORGANIZATIONS WHICH CURRENTLY PROVIDE ELECTRONIC  
23 MONITORING DEVICES FOR THE PURPOSES OF BEING ABLE TO GEOGRAPHICALLY  
24 TRACK CHILDREN WHO HAVE AN AUTISM SPECTRUM DISORDER OR OTHER DEVELOPMENT  
25 DISABILITY.

26 S 2. Section 837 of the executive law is amended by adding a new  
27 subdivision 20 to read as follows:

28 20. THE DIVISION, IN COOPERATION WITH THE DEPARTMENT OF HEALTH, SHALL  
29 PROVIDE RECOMMENDATIONS TO LAW ENFORCEMENT AGENCIES REGARDING THE RISKS  
30 ASSOCIATED WITH AUTISM OR OTHER DEVELOPMENTAL DISABILITIES AND APPROPRI-  
31 ATE RESPONSE TECHNIQUES CONCERNING SUCH DISABILITIES. RECOMMENDATIONS  
32 SHALL INCLUDE INFORMATION PERTAINING TO THE UTILIZATION OF ELECTRONIC  
33 MONITORING DEVICES TO DETERMINE THE LOCATION OF CHILDREN DIAGNOSED WITH  
34 AUTISM OR OTHER DEVELOPMENTAL DISABILITIES.

35 S 3. This act shall take effect on the one hundred twentieth day after  
36 it shall have become a law.