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

9166

I N A S S E M B L Y

February 1, 2016

Introduced by M. of A. FAHY -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to the statewide central register of child abuse and maltreatment; and to repeal certain provisions of such law relating thereto

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

Section 1. Subdivision 9 of section 412 of the social services law, as added by a chapter of the laws of 2015 amending the social services law relating to the statewide central register of child abuse and maltreatment, as proposed in legislative bills numbers S.3520-A and A.5803, is REPEALED.

S 2. Subparagraph (1) of paragraph (A) of subdivision 4 of section 422 of the social services law, as amended by a chapter of the laws of 2015 amending the social services law relating to the statewide central register of child abuse and maltreatment, as proposed in legislative bills numbers S.3520-A and A.5803, is amended to read as follows:

(l) a criminal justice agency, WHICH FOR THE PURPOSES OF THIS SUBDIVISION SHALL MEAN A DISTRICT ATTORNEY, AN ASSISTANT DISTRICT ATTORNEY OR AN INVESTIGATOR EMPLOYED IN THE OFFICE OF A DISTRICT ATTORNEY; A SWORN OFFICER OF THE DIVISION OF STATE POLICE, OF THE REGIONAL STATE PARK POLICE, OF A COUNTY DEPARTMENT OF PARKS, OF A CITY POLICE DEPARTMENT, OR OF A COUNTY, TOWN OR VILLAGE POLICE DEPARTMENT OR COUNTY SHERIFF'S OFFICE OR DEPARTMENT; OR AN INDIAN POLICE OFFICER, when:

(i) such CRIMINAL JUSTICE agency requests such information stating that such information is necessary to conduct a criminal investigation or criminal prosecution of a person, that there is reasonable cause to believe that such person is the subject of a report, and that it is reasonable to believe that due to the nature of the crime under investigation or prosecution, such person is the subject of a report, and that it is reasonable to believe that due to that nature of the crime under investigation or prosecution, such records may be related to the criminal investigation or prosecution; or

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

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(ii) such CRIMINAL JUSTICE agency REQUESTS SUCH INFORMATION STATING THAT: SUCH AGENCY is conducting an investigation of a missing child [where]; such agency has reason to suspect such child's parent, guardian or other person legally responsible for such child is OR MAY BE the subject of a report, or, such child or such child's sibling is OR MAY BE another person named in a report of child abuse or maltreatment and that ANY such information is OR MAY BE needed to further such investigation[. If, upon an initial determination made by the office of children and family services or local social services district pursuant to this clause, it is determined that such reports, information or photographs are not available to such criminal justice agency pursuant to this subdivision, the criminal justice agency conducting the investigation may contact the office of children and family services and request an immediate administrative review by a supervisor or designated employee, as applicable, pursuant to paragraph (E) of this subdivision. The local social services district shall provide the criminal justice agency with the most expedient and appropriate method to contact the office of children and family services in order to request such review. Once such request is received, and after consultation with the requesting criminal justice agency, the individual designated pursuant to paragraph (E) of this subdivision shall immediately review the request and determine de novo whether the provisions of this clause apply and, therefore, access to the requested materials should be granted. If it is determined that the criminal justice agency may have access to the requested materials, such materials shall be supplied by the office of children and family services or directed to be supplied by the local social services district in possession of such materials immediately after the completion of such administrative review];

S 3. Paragraph (E) of subdivision 4 of section 422 of the social services law, as added by a chapter of the laws of 2015 amending the social services law relating to the statewide central register of child abuse and maltreatment, as proposed in legislative bills numbers S.3520-A and A.5803, is REPEALED.

S 4. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2015 amending the social services law relating to the statewide central register of child abuse and maltreatment, as proposed in legislative bills numbers S.3520-A and A.5803.