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

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1205--A

2015-2016 Regular Sessions

I N   S E N A T E

January 9, 2015
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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when
  printed to be committed to the Committee on Mental Health and Develop-
  mental Disabilities -- recommitted to the Committee on Mental Health
  and Developmental Disabilities in accordance with Senate Rule 6, sec.
  8 -- committee discharged, bill amended, ordered reprinted as amended
  and recommitted to said committee

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 ASSEM-
BLY, 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 IMPLE-
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

1 PURSUANT TO SECTION EIGHT HUNDRED THIRTY-SEVEN-F-TWO OF THE EXECUTIVE
2 LAW.   THE STATE SHALL PROVIDE PAYMENT OR A SUBSIDY FOR ANY INDIVIDUAL
3 WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR DEVICE.
4   S 3. Section 202 of the elder law is amended by adding two new subdi-
5 visions 16 and 17 to read as follows:
6   16. TO MAKE AVAILABLE TO ALL VULNERABLE OR AGING PERSONS WITHIN THEIR
7 CARE AT COST, UPON REQUEST PERSONALLY OR THROUGH AN AGENT, PARENT OR
8 GUARDIAN, A PERSONAL LOCATOR DEVICE TO BE PLACED ON SUCH INDIVIDUAL AND
9 USED IN CONJUNCTION WITH THE STATEWIDE MISSING PERSON LOCATOR SYSTEM
10 DEVELOPED BY THE STATE POLICE PURSUANT TO SECTION EIGHT HUNDRED THIRTY-
11 SEVEN-F-TWO OF THE EXECUTIVE LAW. THE STATE SHALL PROVIDE PAYMENT OR A
12 SUBSIDY FOR ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR
13 DEVICE.
14   17. TO MAKE AVAILABLE TO ALL VULNERABLE OR AGING PERSONS WITHIN THE
15 CARE OF A PRIVATE FACILITY THAT IS SUBJECT TO THE PROVISIONS OF THIS
16 CHAPTER AT COST, UPON REQUEST PERSONALLY OR THROUGH AN AGENT, PARENT OR
17 GUARDIAN, A PERSONAL LOCATOR DEVICE TO BE PLACED ON SUCH INDIVIDUAL AND
18 USED IN CONJUNCTION WITH THE STATEWIDE MISSING PERSON LOCATOR SYSTEM
19 DEVELOPED BY THE STATE POLICE PURSUANT TO SECTION EIGHT HUNDRED THIRTY-
20 SEVEN-F-TWO OF THE EXECUTIVE LAW. THE STATE SHALL PROVIDE PAYMENT OR A
21 SUBSIDY FOR ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR
22 DEVICE.
23   S 4. Section 206 of the public health law is amended by adding a new
24 subdivision 30 to read as follows:
25   30. THE COMMISSIONER SHALL MAKE AVAILABLE TO ALL VULNERABLE OR AGING
26 PERSONS WITHIN THEIR CARE AT COST, UPON REQUEST PERSONALLY OR THROUGH AN
27 AGENT, PARENT OR GUARDIAN, A PERSONAL LOCATOR DEVICE TO BE PLACED ON
28 SUCH INDIVIDUAL AND USED IN CONJUNCTION WITH THE STATEWIDE MISSING
29 PERSON LOCATOR SYSTEM DEVELOPED BY THE STATE POLICE PURSUANT TO SECTION
30 EIGHT HUNDRED THIRTY-SEVEN-F-TWO OF THE EXECUTIVE LAW. THE STATE SHALL
31 PROVIDE PAYMENT OR A SUBSIDY FOR ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY
32 FOR SUCH LOCATOR DEVICE.
33   S 5. The executive law is amended by adding a new section 837-f-2 to
34 read as follows:
35   S 837-F-2. STATEWIDE MISSING PERSON LOCATOR SYSTEM. 1. THE STATE
36 POLICE ARE HEREBY AUTHORIZED AND INSTRUCTED TO PROMULGATE RULES AND
37 REGULATIONS AND TAKE ALL STEPS AS MAY BE NECESSARY TO IMPLEMENT A STATE-
38 WIDE LOCATOR PROGRAM THAT WILL FACILITATE THE LOCATION OF LOST VULNER-
39 ABLE OR AGING PERSONS. THE PROGRAM SHALL BE IMPLEMENTED IN CONJUNCTION
40 WITH ALL LOCAL LAW ENFORCEMENT AGENCIES AND THE STATE SHALL MAKE AVAIL-
41 ABLE IN EVERY COUNTY OF THE STATE EITHER THROUGH THE STATE POLICE, OR IN
42 COOPERATION WITH COUNTY AND/OR LOCAL LAW ENFORCEMENT AGENCIES, THE
43 NECESSARY LOCATOR EQUIPMENT.
44   2. THE STATE POLICE OR LOCAL LAW ENFORCEMENT AGENCY SHALL, AT COST TO
45 THE RECIPIENT, PROVIDE A BRACELET OR SIMILAR PERSONAL LOCATOR DEVICE TO
46 ANY DEPARTMENT, OFFICE, OR AGENCY THAT IS INVOLVED IN THE CARE AND/OR
47 HOUSING OF A VULNERABLE OR AGING PERSON. THE STATE POLICE SHALL ALSO
48 MAKE SUCH LOCATOR DEVICES AVAILABLE, AT COST, TO ANY PRIVATE VULNERABLE
49 OR AGING INDIVIDUAL.   THE STATE SHALL PROVIDE PAYMENT OR A SUBSIDY FOR
50 ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR DEVICE.
51   3. THE LOCATOR DEVICE USED IN CONJUNCTION WITH THIS PROGRAM MUST RELY
52 UPON THE USE OF RADIODETERMINATION TECHNOLOGY RATHER THAN A GLOBAL POSI-
53 TIONING SYSTEM OR SATELLITE NAVIGATION SYSTEM.
54   4. THE STATE POLICE OR OTHER LAW ENFORCEMENT, SHALL APPROVE AND DESIG-
55 NATE PRIVATE ORGANIZATIONS WHO ARE AUTHORIZED TO DISSEMINATE SUCH LOCA-
56 TOR BRACELETS OR DEVICES FOR USE BY AGING OR VULNERABLE INDIVIDUALS.

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