

3274--A

2015-2016 Regular Sessions

I N S E N A T E

February 4, 2015

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance 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 executive law, in relation to reporting duties with respect to missing children and adults

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

1 Section 1. Short title. This act shall be known and may be cited as
2 "Lamont Dottin's law".
3 S 2. The executive law is amended by adding a new section 838-a to
4 read as follows:
5 S 838-A. PLANS FOR PROMPT AND UNIFORM STANDARDS FOR SEARCHING FOR
6 MISSING PERSONS. 1. IN CONSULTATION WITH THE DIVISION OF STATE POLICE
7 AND OTHER APPROPRIATE AGENCIES, THE DIVISION SHALL, ON OR BEFORE JANUARY
8 FIRST, TWO THOUSAND SEVENTEEN, ADOPT AND IMPLEMENT AND THEREAFTER REGU-
9 LARLY UPDATE A UNIFORM PLAN FOR SEARCHING FOR MISSING PERSONS. SUCH PLAN
10 SHALL INVOLVE A PRO-ACTIVE, COORDINATED RESPONSE, PLANNED IN ADVANCE,
11 THAT IS TRIGGERED IMMEDIATELY UPON CONFIRMATION BY A POLICE OFFICER,
12 PEACE OFFICER OR POLICE AGENCY OF A REPORT OF A MISSING PERSON.
13 2. SUCH PLANS SHALL, AT THE MINIMUM, REQUIRE THAT:
14 (A) THE NAME OF THE MISSING PERSON, A DESCRIPTION OF THE PERSON AND
15 OTHER PERTINENT INFORMATION BE IMMEDIATELY DISPATCHED OVER THE POLICE
16 COMMUNICATION SYSTEM TO LOCAL, STATE AND NATIONAL AGENCIES; AND
17 (B) THERE SHALL BE NO PRESUMPTION THAT PERSONS BETWEEN THE AGES OF
18 NINETEEN AND SIXTY-FOUR ARE NOT MISSING.
19 3. POLICE AGENCIES NOT CONNECTED WITH THE BASIC POLICE COMMUNICATION
20 SYSTEM IN USE IN SUCH JURISDICTION SHALL TRANSMIT SUCH INFORMATION TO
21 THE NEAREST OR MOST CONVENIENT TELETYPEWRITER POINT, FROM WHICH POINT IT

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

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1 SHALL BE IMMEDIATELY DISPATCHED, IN CONFORMITY WITH THE ORDERS, RULES OR
2 REGULATIONS GOVERNING THE SYSTEM.

3 4. NO DISPATCH OR TRANSMISSION OF A REPORT CONCERNING MISSING PERSONS
4 SHALL BE REQUIRED BY SUCH PLAN IF THE INVESTIGATING POLICE DEPARTMENT
5 DETERMINES THAT THE RELEASE OF SUCH INFORMATION WOULD JEOPARDIZE THE
6 INVESTIGATION OR THE SAFETY OF THE PERSON, OR OTHERWISE REQUESTS
7 FORBEARANCE.

8 S 3. Section 837-f of the executive law, as added by chapter 880 of
9 the laws of 1986, subdivision 10-a as added by chapter 600 of the laws
10 of 1997, subdivision 12 as amended by chapter 579 of the laws of 1997,
11 subdivision 14 as amended by chapter 381 of the laws of 2004 and para-
12 graph (c) of subdivision 14 as amended by chapter 348 of the laws of
13 2005, is amended to read as follows:

14 S 837-f. Missing and exploited [children] PERSONS clearinghouse. There
15 is hereby established within the division a missing and exploited [chil-
16 dren] PERSONS clearinghouse to provide a comprehensive and coordinated
17 approach to the tragic problems of missing and exploited children AND OF
18 MISSING ADULTS. In addition to the activities of the statewide central
19 register for missing [children] PERSONS, the commissioner shall be
20 authorized to:

21 1. Plan and implement programs to ensure the most effective use of
22 federal, state and local resources in the investigation of ALL missing
23 and exploited [children] PEOPLE;

24 2. Exchange information and resources with other states, and within
25 New York state, concerning missing and exploited children AND MISSING
26 ADULTS;

27 3. Establish a case data base which will include nonidentifying infor-
28 mation on reported MISSING children AND ADULTS and facts developed in
29 the phases of a search, and analyze such data for the purposes of:
30 assisting law enforcement in their current investigations of missing and
31 exploited [children] PERSONS, developing prevention programs and
32 increasing understanding of the nature and extent of the problem; and
33 share the data and analysis on a regular basis with the National Center
34 for Missing and Exploited Children;

35 4. Disseminate a directory of resources to assist in the locating of
36 missing children AND ADULTS;

37 5. Cooperate with public and private schools and organizations to
38 develop education and prevention programs concerning child safety for
39 communities, parents and children;

40 6. Provide assistance in returning recovered children AND ADULTS who
41 are located out-of-state;

42 7. By January first, nineteen hundred eighty-seven arrange for the
43 development of a curriculum for the training of law enforcement person-
44 nel investigating cases involving missing and exploited children AND BY
45 JANUARY FIRST, TWO THOUSAND SEVENTEEN ARRANGE FOR THE DEVELOPMENT OF A
46 CURRICULUM FOR THE TRAINING OF LAW ENFORCEMENT PERSONNEL INVESTIGATING
47 CASES INVOLVING MISSING ADULTS;

48 8. Assist federal, state and local agencies in the investigation of
49 cases involving missing and exploited children AND INVOLVING MISSING
50 ADULTS;

51 9. Utilize available resources to duplicate photographs and posters of
52 children AND ADULTS reported as missing by police and with consent of
53 parents, guardians or others legally responsible, disseminate this
54 information throughout the state;

55 10. Beginning on January first, nineteen hundred eighty-seven, dissem-
56 inate, on a regular basis, a bulletin containing information on children

1 in the missing children's register to the state education department
2 which shall then forward such bulletin to every public and private
3 school where parents, guardians or others legally responsible for such
4 children have given consent;

5 10-a. (a) By November first, nineteen hundred ninety-seven prescribe
6 general guidelines to enable the state legislature and state agencies to
7 assist in the location and recovery of missing children AND BY NOVEMBER
8 FIRST, TWO THOUSAND SEVENTEEN TO ASSIST IN THE LOCATION AND RECOVERY OF
9 MISSING ADULTS. The guidelines shall provide information relating to:

10 (i) the form and manner in which materials and information pertaining
11 to missing children AND MISSING ADULTS including but not limited to
12 biographical data and pictures, sketches or other likenesses may be
13 included in stationery, newsletters and other written or electronic
14 printings;

15 (ii) appropriate sources from which such materials and information may
16 be obtained;

17 (iii) the procedures by which such materials and information may be
18 obtained; and

19 (iv) any other matter the clearinghouse considers appropriate.

20 (b) By January first, nineteen hundred ninety-eight arrange for the
21 transmission of biographical information and pictures, sketches or other
22 likenesses of missing children AND BY JANUARY FIRST, TWO THOUSAND SEVEN-
23 TEEN OF MISSING ADULTS to state agencies, departments and the legisla-
24 ture to use in printings.

25 11. Operate a toll-free twenty-four hour hotline for the public to use
26 to relay information concerning missing children AND MISSING ADULTS;

27 11-A. ALONG WITH THE STATE LEGISLATURE AND STATE AGENCIES, SHALL
28 COMMUNICATE WITH THE FAMILIES OF MISSING PERSONS, ON A CONSISTENT BASIS,
29 TO UPDATE THEM ON THE SEARCH FOR THE MISSING PERSONS;

30 12. Submit an annual report to the governor and legislature regarding
31 the activities of the clearinghouse including statistical information
32 involving reported cases of missing children AND OF MISSING ADULTS
33 pursuant to section eight hundred thirty-seven-m of this article and a
34 summary of the division's efforts with respect to the use of monies from
35 the missing and exploited children clearinghouse fund created pursuant
36 to section ninety-two-w of the state finance law; and

37 13. Take such other steps as necessary to assist in education,
38 prevention, service provision and investigation of cases involving miss-
39 ing and exploited children AND MISSING ADULTS.

40 14. (a) In consultation with the division of state police and other
41 appropriate agencies, develop, and regularly update and distribute,
42 model missing [child] PERSON prompt response and notification plans,
43 which shall be available for use, in their discretion, as appropriate,
44 by local communities and law enforcement personnel. Such plans shall
45 involve a pro-active, coordinated response, planned in advance, that may
46 be promptly triggered by law enforcement personnel upon confirmation by
47 a police officer, peace officer or police agency of a report of a miss-
48 ing child, as defined in subdivision one of section eight hundred thir-
49 ty-seven-e of this article, OR ANY PERSON.

50 (b) Such plans shall, at a minimum, provide that:

51 (i) the name of such missing [child] PERSON, a description of the
52 [child] PERSON and other pertinent information may be promptly
53 dispatched over the police communication system, pursuant to subdivision
54 three of section two hundred twenty-one of this chapter;

55 (ii) such information may be immediately provided orally, electron-
56 ically or by facsimile transmission to one or more radio stations and

1 other broadcast media outlets serving the community including, but not
2 limited to, those which have voluntarily agreed, in advance, to promptly
3 notify other such radio stations and other broadcast media outlets in
4 like manner;

5 (iii) such information may be immediately provided by electronic mail
6 message to one or more internet service providers and commercial mobile
7 service providers serving the community including, but not limited to,
8 those which have voluntarily agreed, in advance, to promptly notify
9 other such internet service providers in like manner;

10 (iv) participating radio stations and other participating broadcast
11 media outlets serving the community may voluntarily agree to promptly
12 broadcast a missing [child] PERSON alert providing pertinent details
13 concerning the [child's] PERSON'S disappearance, breaking into regular
14 programming where appropriate;

15 (v) participating internet service providers and commercial mobile
16 service providers serving the community may voluntarily agree to prompt-
17 ly provide by electronic mail message a missing [child] PERSON alert
18 providing pertinent details concerning the [child's] PERSON'S disappear-
19 ance;

20 (vi) police agencies not connected with the basic police communication
21 system in use in such jurisdiction may transmit such information to the
22 nearest or most convenient electronic entry point, from which point it
23 may be promptly dispatched, in conformity with the orders, rules or
24 regulations governing the system; and

25 (vii) no dispatch or transmission of a report concerning a missing
26 [child] PERSON shall be required by such plan if the investigating
27 police department advises, in its discretion, that the release of such
28 information may jeopardize the investigation or the safety of the
29 [child] PERSON, or requests forbearance for any reason.

30 (c) The commissioner shall also designate a unit within the division
31 that shall assist law enforcement agencies and representatives of radio
32 stations, broadcast media outlets, internet service providers and
33 commercial mobile service providers in the design, implementation and
34 improvement of missing [child] PERSON prompt response and notification
35 plans. Such unit shall make ongoing outreach efforts to local govern-
36 ment entities and local law enforcement agencies to assist such entities
37 and agencies in the implementation and operation of such plans with the
38 goal of implementing and operating such plans in every jurisdiction in
39 New York state.

40 (d) The commissioner shall also maintain and make available to appro-
41 priate state and local law enforcement agencies up-to-date information
42 concerning technological advances that may assist in facilitating the
43 recovery of missing children AND MISSING ADULTS. Such information shall
44 include, but not be limited to, technology using computer assisted imag-
45 ing to "age enhance" photographs of missing children AND MISSING ADULTS,
46 and technology that may be used to enter such photographs and other
47 pertinent information concerning missing children AND MISSING ADULTS
48 into a database accessible to appropriate officials and persons.

49 S 4. Section 837-m of the executive law, as amended by chapter 255 of
50 the laws of 2014, is amended to read as follows:

51 S 837-m. Reporting duties [of law enforcement departments] with
52 respect to missing [children and vulnerable adults] PERSONS. The chief
53 of every police department, each county sheriff and the superintendent
54 of state police, AS WELL AS EACH MORGUE IN THE STATE AND ALL PAUPER
55 CEMETERIES, WHICH SHALL ALSO BE REQUIRED TO ESTABLISH AND MAINTAIN
56 COMPUTERIZED DATA ON ALL IDENTIFIED AND NON-IDENTIFIED BODIES, shall

1 report, at least semi-annually, to the division with respect to speci-
2 fied cases of missing [children] PERSONS that are closed AS WELL AS
3 INFORMATION ON ALL UNIDENTIFIED BODIES. Such reports shall be in the
4 form and manner prescribed by the division and shall contain such infor-
5 mation as the division deems necessary including, but not limited to,
6 information regarding recovered [children] PERSONS who were arrested,
7 [children] PERSONS who were the victims of criminal activity or exploi-
8 tation and [children] PERSONS who were found deceased and information
9 regarding the alleged abductor or killer of such [children] PERSONS.
10 Any law enforcement department referred to in this section may, in its
11 discretion, include in such semi-annual reports information relating to
12 missing vulnerable adults as such term is defined in section eight
13 hundred thirty-seven-f-one of this article.

14 POLICE DEPARTMENTS SHALL ESTABLISH A TRAINED MISSING PERSON SPECIALIST
15 WHO WOULD:

- 16 (I) IMMEDIATELY MEET WITH THE FAMILY OF ANY PERSON REPORTED MISSING;
17 (II) PROVIDE TRAINING FOR ALL OFFICERS WHO RECEIVE FEDERAL SPECIALIZED
18 MISSING PERSONS TRAINING (REMAC); AND
19 (III) WORK IN CLOSE CONJUNCTION WITH THE DEPARTMENT'S MISSING PERSON
20 UNIT.

21 S 5. This act shall take effect immediately, except that section two
22 of this act shall take effect January 1, 2017, and provided further that
23 the division of criminal justice services is immediately authorized and
24 directed to take any and all actions necessary to assure the implementa-
25 tion of the provisions of this act by such effective dates.