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

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:

Section 1. Short title. This act shall be known and may be cited as "Lamont Dottin's law".

S 2. The executive law is amended by adding a new section 838-a to read as follows:

S 838-A. PLANS FOR PROMPT AND UNIFORM STANDARDS FOR SEARCHING FOR MISSING PERSONS. 1. IN CONSULTATION WITH THE DIVISION OF STATE POLICE AND OTHER APPROPRIATE AGENCIES, THE DIVISION SHALL, ON OR BEFORE JANUARY FIRST, TWO THOUSAND SEVENTEEN, ADOPT AND IMPLEMENT AND THEREAFTER REGULARLY UPDATE A UNIFORM PLAN FOR SEARCHING FOR MISSING PERSONS. SUCH PLAN SHALL INVOLVE A PRO-ACTIVE, COORDINATED RESPONSE, PLANNED IN ADVANCE, THAT IS TRIGGERED IMMEDIATELY UPON CONFIRMATION BY A POLICE OFFICER, PEACE OFFICER OR POLICE AGENCY OF A REPORT OF A MISSING PERSON.

2. SUCH PLANS SHALL, AT THE MINIMUM, REQUIRE THAT:

(A) THE NAME OF THE MISSING PERSON, A DESCRIPTION OF THE PERSON AND OTHER PERTINENT INFORMATION BE IMMEDIATELY DISPATCHED OVER THE POLICE COMMUNICATION SYSTEM TO LOCAL, STATE AND NATIONAL AGENCIES; AND

(B) THERE SHALL BE NO PRESUMPTION THAT PERSONS BETWEEN THE AGES OF NINETEEN AND SIXTY-FOUR ARE NOT MISSING.

3. POLICE AGENCIES NOT CONNECTED WITH THE BASIC POLICE COMMUNICATION SYSTEM IN USE IN SUCH JURISDICTION SHALL TRANSMIT SUCH INFORMATION TO 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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SHALL BE IMMEDIATELY DISPATCHED, IN CONFORMITY WITH THE ORDERS, RULES OR REGULATIONS GOVERNING THE SYSTEM.

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

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

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

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

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

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

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

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

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

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

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

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

10. Beginning on January first, nineteen hundred eighty-seven, disseminate, on a regular basis, a bulletin containing information on children

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

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

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

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

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

(iv) any other matter the clearinghouse considers appropriate.

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

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

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

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

13. Take such other steps as necessary to assist in education, prevention, service provision and investigation of cases involving missing and exploited children AND MISSING ADULTS.

14. (a) In consultation with the division of state police and other appropriate agencies, develop, and regularly update and distribute, model missing [child] PERSON 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 a missing child, as defined in subdivision one of section eight hundred thirty-seven-e of this article, OR ANY PERSON.

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

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

(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;

(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] PERSON alert providing pertinent details concerning the [child's] 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 [child] PERSON alert providing pertinent details concerning the [child's] 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 [child] 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 [child] 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 missing [child] 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 children AND MISSING ADULTS. Such information shall include, but not be limited to, technology using computer assisted imaging to "age enhance" photographs of missing children AND MISSING ADULTS, and technology that may be used to enter such photographs and other pertinent information concerning missing children AND MISSING ADULTS into a database accessible to appropriate officials and persons.

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

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

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

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

(I) IMMEDIATELY MEET WITH THE FAMILY OF ANY PERSON REPORTED MISSING;

(II) PROVIDE TRAINING FOR ALL OFFICERS WHO RECEIVE FEDERAL SPECIALIZED MISSING PERSONS TRAINING (REMAC); AND

(III) WORK IN CLOSE CONJUNCTION WITH THE DEPARTMENT'S MISSING PERSON UNIT.

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