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

3288--A

2015-2016 Regular Sessions

I N S E N A T E

February 4, 2015

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

Section 1. The public health law is amended by adding a new section 2508 to read as follows:

S 2508. ELECTRONIC MONITORING FOR CHILDREN WITH DEVELOPMENTAL DISABILITIES. 1. FOR THE PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF HEALTH;

(B) "CHILD" SHALL MEAN A PERSON UNDER THE AGE OF EIGHTEEN YEARS;

(C) "ELIGIBLE APPLICANT" SHALL MEAN THE PARENT, LEGAL GUARDIAN OR CUSTODIAN OF A CHILD WHO HAS BEEN DIAGNOSED BY A PHYSICIAN AS HAVING AN AUTISM SPECTRUM DISORDER AS DETERMINED BY SECTION TWENTY-FIVE HUNDRED-J OF THIS TITLE OR OTHER DEVELOPMENTAL DISABILITY;

(D) "AUTHORIZED FAMILY MEMBER" SHALL MEAN A DESIGNATED PARENT, GRANDPARENT, SIBLING OLDER THAN THE AGE OF EIGHTEEN, LEGAL GUARDIAN OR CUSTODIAN WHO IS AUTHORIZED TO USE A RECEIVING DEVICE THAT IS ABLE TO TRACK THE GEOGRAPHIC LOCATION OF AN ELECTRONIC MONITORING DEVICE. SUCH INDIVIDUALS SHALL BE LISTED ON THE APPLICATION SUBMITTED TO THE DEPARTMENT; AND

(E) "ELECTRONIC MONITORING DEVICE" SHALL MEAN ANY RADIO, GLOBAL POSITIONING SYSTEM, CELLULAR DEVICE OR ANY OTHER SATELLITE-BASED MONITORING DEVICE THAT CAN PROVIDE CONTINUOUS TRACKING OF THE GEOGRAPHIC LOCATION

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

LBD00572-02-6

OF CHILDREN AND AN AUTOMATED MONITORING SYSTEM THAT CAN BE USED BY AN APPROPRIATE LAW ENFORCEMENT AGENCY AT THE REQUEST OF AN AUTHORIZED FAMILY MEMBER.

2. THE COMMISSIONER SHALL ESTABLISH A PROGRAM TO PROVIDE ELECTRONIC MONITORING DEVICES TO AN ELIGIBLE APPLICANT FOR THE PURPOSE OF BEING ABLE TO GEOGRAPHICALLY LOCATE A CHILD UPON CIRCUMSTANCES WHERE THE CHILD IS UNABLE TO BE ACCOUNTED FOR. THE PROGRAM SHALL FACILITATE THE SAFE RECOVERY OF CHILDREN DIAGNOSED WITH AN AUTISM SPECTRUM DISORDER OR ANOTHER DEVELOPMENTAL DISABILITY WHO ARE MISSING OR ABDUCTED.

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

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

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

(C) IF A CHILD IS MISSING AN AUTHORIZED FAMILY MEMBER MAY COORDINATE WITH THE APPROPRIATE LAW ENFORCEMENT AGENCY AND INFORM THE AGENCY OF THE LOCATION OF THE CHILD USING THE ELECTRONIC MONITORING DEVICE AND RECEIVER; AND

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

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

S 2. Section 837 of the executive law is amended by adding a new subdivision 21 to read as follows:

21. THE DIVISION, IN COOPERATION WITH THE DEPARTMENT OF HEALTH, SHALL PROVIDE RECOMMENDATIONS TO LAW ENFORCEMENT AGENCIES REGARDING THE RISKS ASSOCIATED WITH AUTISM OR OTHER DEVELOPMENTAL DISABILITIES AND APPROPRIATE RESPONSE TECHNIQUES CONCERNING SUCH DISABILITIES. RECOMMENDATIONS SHALL INCLUDE INFORMATION PERTAINING TO THE UTILIZATION OF ELECTRONIC MONITORING DEVICES TO DETERMINE THE LOCATION OF CHILDREN DIAGNOSED WITH AUTISM OR OTHER DEVELOPMENTAL DISABILITIES.

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