

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 7, 2015

---

Introduced by M. of A. ABINANTI, OTIS, ROBINSON, JAFFEE, RIVERA, RAIA, MARKEY, GOTTFRIED, SKOUFIS, BROOK-KRASNY, PAULIN, McDONOUGH, WEPRIN, AUBRY, FAHY, CYMBROWITZ, CRESPO, CLARK, COOK, MAYER, LUPINACCI, MONTESANO, DUPREY, SCARBOROUGH, KEARNS, PALUMBO, SCHIMEL, CAMARA, HOOPER, PERRY, ZEBROWSKI, MOYA, GALEF -- Multi-Sponsored by -- M. of A. BARCLAY, BRENNAN, CERETTO, LENTOL, LIFTON, McLAUGHLIN, PEOPLES-STOKES -- read once and referred to the Committee on Mental Health

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 ASSEMBLY, 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 IMPE-  
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

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

LBD03058-01-5

1 DEVICE TO BE PLACED ON SUCH INDIVIDUAL AND USED IN CONJUNCTION WITH THE  
2 STATEWIDE MISSING PERSON LOCATOR SYSTEM DEVELOPED BY THE STATE POLICE  
3 PURSUANT TO SECTION EIGHT HUNDRED THIRTY-SEVEN-F-TWO OF THE EXECUTIVE  
4 LAW. THE STATE SHALL PROVIDE PAYMENT OR A SUBSIDY FOR ANY INDIVIDUAL  
5 WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR DEVICE.

6 S 3. Section 202 of the elder law is amended by adding two new subdi-  
7 visions 16 and 17 to read as follows:

8 16. TO MAKE AVAILABLE TO ALL VULNERABLE OR AGING PERSONS WITHIN THEIR  
9 CARE AT COST, UPON REQUEST PERSONALLY OR THROUGH AN AGENT, PARENT OR  
10 GUARDIAN, A PERSONAL LOCATOR DEVICE TO BE PLACED ON SUCH INDIVIDUAL AND  
11 USED IN CONJUNCTION WITH THE STATEWIDE MISSING PERSON LOCATOR SYSTEM  
12 DEVELOPED BY THE STATE POLICE PURSUANT TO SECTION EIGHT HUNDRED THIRTY-  
13 SEVEN-F-TWO OF THE EXECUTIVE LAW. THE STATE SHALL PROVIDE PAYMENT OR A  
14 SUBSIDY FOR ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR  
15 DEVICE.

16 17. TO MAKE AVAILABLE TO ALL VULNERABLE OR AGING PERSONS WITHIN THE  
17 CARE OF A PRIVATE FACILITY THAT IS SUBJECT TO THE PROVISIONS OF THIS  
18 CHAPTER AT COST, UPON REQUEST PERSONALLY OR THROUGH AN AGENT, PARENT OR  
19 GUARDIAN, A PERSONAL LOCATOR DEVICE TO BE PLACED ON SUCH INDIVIDUAL AND  
20 USED IN CONJUNCTION WITH THE STATEWIDE MISSING PERSON LOCATOR SYSTEM  
21 DEVELOPED BY THE STATE POLICE PURSUANT TO SECTION EIGHT HUNDRED THIRTY-  
22 SEVEN-F-TWO OF THE EXECUTIVE LAW. THE STATE SHALL PROVIDE PAYMENT OR A  
23 SUBSIDY FOR ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR  
24 DEVICE.

25 S 4. Section 206 of the public health law is amended by adding a new  
26 subdivision 29 to read as follows:

27 29. THE COMMISSIONER SHALL MAKE AVAILABLE TO ALL VULNERABLE OR AGING  
28 PERSONS WITHIN THEIR CARE AT COST, UPON REQUEST PERSONALLY OR THROUGH AN  
29 AGENT, PARENT OR GUARDIAN, A PERSONAL LOCATOR DEVICE TO BE PLACED ON  
30 SUCH INDIVIDUAL AND USED IN CONJUNCTION WITH THE STATEWIDE MISSING  
31 PERSON LOCATOR SYSTEM DEVELOPED BY THE STATE POLICE PURSUANT TO SECTION  
32 EIGHT HUNDRED THIRTY-SEVEN-F-TWO OF THE EXECUTIVE LAW. THE STATE SHALL  
33 PROVIDE PAYMENT OR A SUBSIDY FOR ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY  
34 FOR SUCH LOCATOR DEVICE.

35 S 5. The executive law is amended by adding a new section 837-f-2 to  
36 read as follows:

37 S 837-F-2. STATEWIDE MISSING PERSON LOCATOR SYSTEM. 1. THE STATE  
38 POLICE ARE HEREBY AUTHORIZED AND INSTRUCTED TO PROMULGATE RULES AND  
39 REGULATIONS AND TAKE ALL STEPS AS MAY BE NECESSARY TO IMPLEMENT A STATE-  
40 WIDE LOCATOR PROGRAM THAT WILL FACILITATE THE LOCATION OF LOST VULNER-  
41 ABLE OR AGING PERSONS. THE PROGRAM SHALL BE IMPLEMENTED IN CONJUNCTION  
42 WITH ALL LOCAL LAW ENFORCEMENT AGENCIES AND THE STATE SHALL MAKE AVAIL-  
43 ABLE IN EVERY COUNTY OF THE STATE EITHER THROUGH THE STATE POLICE, OR IN  
44 COOPERATION WITH COUNTY AND/OR LOCAL LAW ENFORCEMENT AGENCIES, THE  
45 NECESSARY LOCATOR EQUIPMENT.

46 2. THE STATE POLICE OR LOCAL LAW ENFORCEMENT AGENCY SHALL, AT COST TO  
47 THE RECIPIENT, PROVIDE A BRACELET OR SIMILAR PERSONAL LOCATOR DEVICE TO  
48 ANY DEPARTMENT, OFFICE, OR AGENCY THAT IS INVOLVED IN THE CARE AND/OR  
49 HOUSING OF A VULNERABLE OR AGING PERSON. THE STATE POLICE SHALL ALSO  
50 MAKE SUCH LOCATOR DEVICES AVAILABLE, AT COST, TO ANY PRIVATE VULNERABLE  
51 OR AGING INDIVIDUAL. THE STATE SHALL PROVIDE PAYMENT OR A SUBSIDY FOR  
52 ANY INDIVIDUAL WHO CANNOT AFFORD TO PAY FOR SUCH LOCATOR DEVICE.

53 3. THE LOCATOR DEVICE USED IN CONJUNCTION WITH THIS PROGRAM MUST RELY  
54 UPON THE USE OF RADIODETERMINATION TECHNOLOGY RATHER THAN A GLOBAL POSI-  
55 TIONING SYSTEM OR SATELLITE NAVIGATION SYSTEM.

1 4. THE STATE POLICE OR OTHER LAW ENFORCEMENT, SHALL APPROVE AND DESIG-  
2 NATE PRIVATE ORGANIZATIONS WHO ARE AUTHORIZED TO DISSEMINATE SUCH LOCA-  
3 TOR BRACELETS OR DEVICES FOR USE BY AGING OR VULNERABLE INDIVIDUALS.

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