

6384--A

Cal. No. 15

I N S E N A T E

January 8, 2016

Introduced by Sen. AMEDORE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the social services law, in relation to the statewide central register of child abuse and maltreatment; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Subdivision 9 of section 412 of the social services law, as
2 added by a chapter of the laws of 2015 amending the social services law
3 relating to the statewide central register of child abuse and maltreat-
4 ment, as proposed in legislative bills numbers S.3520-A and A.5803, is
5 REPEALED.

6 S 2. Subparagraph (1) of paragraph (A) of subdivision 4 of section 422
7 of the social services law, as amended by a chapter of the laws of 2015
8 amending the social services law relating to the statewide central
9 register of child abuse and maltreatment, as proposed in legislative
10 bills numbers S.3520-A and A.5803, is amended to read as follows:

11 (1) a criminal justice agency, WHICH FOR THE PURPOSES OF THIS SUBDIVI-
12 SION SHALL MEAN A DISTRICT ATTORNEY, AN ASSISTANT DISTRICT ATTORNEY OR
13 AN INVESTIGATOR EMPLOYED IN THE OFFICE OF A DISTRICT ATTORNEY; A SWORN
14 OFFICER OF THE DIVISION OF STATE POLICE, OF THE REGIONAL STATE PARK
15 POLICE, OF A COUNTY DEPARTMENT OF PARKS, OF A CITY POLICE DEPARTMENT, OR
16 OF A COUNTY, TOWN OR VILLAGE POLICE DEPARTMENT OR COUNTY SHERIFF'S
17 OFFICE OR DEPARTMENT; OR AN INDIAN POLICE OFFICER, when:

18 (i) such CRIMINAL JUSTICE agency requests such information stating
19 that such information is necessary to conduct a criminal investigation
20 or criminal prosecution of a person, that there is reasonable cause to
21 believe that such person is the subject of a report, and that it is
22 reasonable to believe that due to the nature of the crime under investi-
23 gation or prosecution, such person is the subject of a report, and that

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

LBD09078-07-6

1 it is reasonable to believe that due to that nature of the crime under
2 investigation or prosecution, such records may be related to the crimi-
3 nal investigation or prosecution; or

4 (ii) such CRIMINAL JUSTICE agency REQUESTS SUCH INFORMATION STATING
5 THAT: SUCH AGENCY is conducting an investigation of a missing child
6 [where]; such agency has reason to suspect such child's parent, guardian
7 or other person legally responsible for such child is OR MAY BE the
8 subject of a report, or, such child or such child's sibling is OR MAY BE
9 another person named in a report of child abuse or maltreatment and that
10 ANY such information is OR MAY BE needed to further such investigation[.
11 If, upon an initial determination made by the office of children and
12 family services or local social services district pursuant to this
13 clause, it is determined that such reports, information or photographs
14 are not available to such criminal justice agency pursuant to this
15 subdivision, the criminal justice agency conducting the investigation
16 may contact the office of children and family services and request an
17 immediate administrative review by a supervisor or designated employee,
18 as applicable, pursuant to paragraph (E) of this subdivision. The local
19 social services district shall provide the criminal justice agency with
20 the most expedient and appropriate method to contact the office of chil-
21 dren and family services in order to request such review. Once such
22 request is received, and after consultation with the requesting criminal
23 justice agency, the individual designated pursuant to paragraph (E) of
24 this subdivision shall immediately review the request and determine de
25 novo whether the provisions of this clause apply and, therefore, access
26 to the requested materials should be granted. If it is determined that
27 the criminal justice agency may have access to the requested materials,
28 such materials shall be supplied by the office of children and family
29 services or directed to be supplied by the local social services
30 district in possession of such materials immediately after the
31 completion of such administrative review];

32 S 3. Paragraph (E) of subdivision 4 of section 422 of the social
33 services law, as added by a chapter of the laws of 2015 amending the
34 social services law relating to the statewide central register of child
35 abuse and maltreatment, as proposed in legislative bills numbers
36 S.3520-A and A.5803, is REPEALED.

37 S 4. This act shall take effect on the same date and in the same
38 manner as a chapter of the laws of 2015 amending the social services law
39 relating to the statewide central register of child abuse and maltreat-
40 ment, as proposed in legislative bills numbers S.3520-A and A.5803.