STATE OF NEW YORK

1076

2017-2018 Regular Sessions

IN SENATE

January 6, 2017

Introduced by Sens. CARLUCCI, AVELLA, DILAN, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the executive law, in relation to ensuring the rights of an individual with a disability or a vulnerable adult during investigations conducted by the justice center

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraph (i) of paragraph (a) of subdivision 28 of section 553 of the executive law, as added by chapter 394 of the laws of 2014, is amended to read as follows:

(i) For those vulnerable persons subject to an interview, the justice center shall develop appropriate procedures and protocols to ensure that any interview is conducted safely and in a timely fashion in light of relevant clinical, behavioral and other facts relating to the individual's disability, safety and wellbeing. Such protocols and procedures shall also recognize **the right of a vulnerable person to be represented by the mental hygiene legal service, or privately financed counsel, at all stages of the proceedings, and** any ability the vulnerable person may have to advocate on his or her own behalf by providing information to facilitate an investigation to enhance his or her own safety and wellbeing and the safety and wellbeing of others.

§ 2. Subparagraph (iii) of paragraph (b) of subdivision 28 of section 553 of the executive law, as added by chapter 394 of the laws of 2014, is amended to read as follows:

(iii) Appropriate notification[~~, when at all advisable given the nature of an investigation~~] **shall be given** to a personal representative that a vulnerable person shall be questioned or subject to an interview and to enable such personal representative to provide any information which they believe is necessary to protect the individual;

§ 3. This act shall take effect immediately.

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

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