

STATE OF NEW YORK

4175

2019-2020 Regular Sessions

IN ASSEMBLY

February 1, 2019

Introduced by M. of A. RA, VANEL, McDONOUGH, LAWRENCE, MORINELLO, COLTON, M. L. MILLER, CROUCH, RAIA -- Multi-Sponsored by -- M. of A. COOK, GIGLIO, HAWLEY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring mandatory dissemination of information in certain cases of missing children

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

1 Section 1. The executive law is amended by adding a new section 837-t
2 to read as follows:

3 § 837-t. Plans for dissemination of information in certain cases of
4 missing children. 1. Notwithstanding the provisions of section eight
5 hundred thirty-seven-f of this article, in consultation with the divi-
6 sion of state police and other appropriate agencies, the division shall,
7 by January first, two thousand twenty-one, adopt and implement and ther-
8 eafter regularly update a uniform plan for searching for children under
9 the age of eighteen believed to be abducted and missing autistic chil-
10 dren, when such children are believed to be in danger of serious bodily
11 harm or death. Such plan shall involve a proactive, coordinated
12 response, planned in advance, that is triggered immediately upon confir-
13 mation by a police officer, peace officer or police agency of a report
14 of such a missing child.

15 2. Such plans shall, at the minimum, require that:

16 (a) the name of such missing child, a description of the child and
17 other pertinent information shall be promptly dispatched over the police
18 communication system, pursuant to subdivision three of section two
19 hundred twenty-one of this chapter;

20 (b) such information shall be immediately provided orally, electron-
21 ically or by facsimile transmission to one or more radio stations and
22 other broadcast media outlets serving the community including, but not
23 limited to, those which have voluntarily agreed, in advance, to promptly

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

LBD02329-01-9

1 notify other such radio stations and other broadcast media outlets in
2 like manner;

3 (c) such information shall be immediately provided by electronic mail
4 message to one or more internet service providers and commercial mobile
5 service providers serving the community including, but not limited to,
6 those which have voluntarily agreed, in advance, to promptly notify
7 other such internet service providers in like manner;

8 (d) participating radio stations and other participating broadcast
9 media outlets serving the community shall promptly broadcast a missing
10 child alert providing pertinent details concerning the child's disap-
11 pearance, breaking into regular programming where appropriate;

12 (e) participating internet service providers and commercial mobile
13 service providers serving the community shall promptly provide by elec-
14 tronic mail message a missing child alert providing pertinent details
15 concerning the child's disappearance; and

16 (f) police agencies not connected with the basic police communication
17 system in use in such jurisdiction shall transmit such information to
18 the nearest or most convenient electronic entry point, from which point
19 it may be promptly dispatched, in conformity with the orders, rules or
20 regulations governing the system.

21 3. No dispatch or transmission of a report concerning a missing child
22 shall be required by such plan if the investigating police department
23 advises, in its discretion, that the release of such information may
24 jeopardize the investigation or the safety of the child, or requests
25 forbearance for any reason.

26 § 2. This act shall take effect January 1, 2021, provided that the
27 division of criminal justice services is immediately authorized and
28 directed to take any and all actions necessary to assure the implementa-
29 tion of the provisions of this act by such effective date.