

STATE OF NEW YORK

9529

IN ASSEMBLY

January 24, 2020

Introduced by M. of A. ASHBY -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the executive law, in relation to establishing a green alert system for missing military members

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

Section 1. The executive law is amended by adding a new section 354-f to read as follows:

§ 354-f. Green alert for missing military members. 1. As used in this section:

(a) "Alert" means the statewide green alert for missing military members that is developed and implemented under this section.

(b) "Law enforcement agency" means a law enforcement agency with jurisdiction over the investigation of a missing military member.

(c) "Military member" means a person who is a current or former member of the United States armed forces, including the National Guard or a reserve or auxiliary unit of any branch of the armed forces.

2. With the cooperation of the department of transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the division shall develop and implement a statewide green alert to be activated on behalf of a missing military member who has elected to participate in the green alert system and who suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury.

3. The state director is the statewide coordinator of the green alert. The state director shall adopt rules and issue directives as necessary to ensure proper implementation of the green alert. The rules and directives shall include:

(a) the procedures to be used by a law enforcement agency to verify whether a military member is missing and suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury;

(b) a description of the circumstances under which a law enforcement agency is required to report a missing military member to the division;

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

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1 (c) the procedures to be used by an individual or entity to report
2 information about a missing military member to designated media outlets
3 in this state;

4 (d) guidelines for releasing only the information necessary in order
5 to protect the privacy of a missing military member for whom a green
6 alert has been issued, including compliance with Health Insurance Porta-
7 bility and Accountability Act of 1996; and

8 (e) forms for use by law enforcement agencies in requesting activation
9 of the alert system.

10 4. The division shall recruit public and commercial television and
11 radio broadcasters, private commercial entities, state or local govern-
12 mental entities, the public, and other appropriate persons to assist in
13 developing and implementing the alert system. A state agency participat-
14 ing in the alert system shall:

15 (a) cooperate with the division and assist in developing and imple-
16 menting the alert system; and

17 (b) establish a plan for providing relevant information to its offi-
18 cers, investigators, or employees, as appropriate, once the alert system
19 has been activated.

20 5. The department of transportation shall establish a plan for provid-
21 ing relevant information to the public through an existing system of
22 dynamic message signs located across the state.

23 6. A law enforcement agency shall notify the division if the agency:

24 (a) receives a report regarding a missing military member who is
25 determined by the agency to be a participant in the green alert system;

26 (b) verifies that at the time the military member is reported missing:

27 (i) the person reported missing is a military member;

28 (ii) the military member's location is unknown; and

29 (iii) the military member suffers from a mental illness, including
30 post-traumatic stress disorder, or a traumatic brain injury; and

31 (c) determines that the military member's disappearance poses a credi-
32 ble threat to the military member's health and safety or the health and
33 safety of another.

34 (d) A law enforcement agency shall verify the information required by
35 this subdivision and make the determination required as soon as practi-
36 cable after the agency receives a report regarding a missing military
37 member.

38 (e) In verifying that the military member suffers from a mental
39 illness, including post-traumatic stress disorder, or a traumatic brain
40 injury the law enforcement agency shall require the family or legal
41 guardian of the military member to provide documentation of the illness
42 or injury.

43 7. (a) When a law enforcement agency notifies the division, the divi-
44 sion shall confirm the accuracy of the information and, if confirmed,
45 immediately issue an alert under this section in accordance with divi-
46 sion rules.

47 (b) In issuing the alert, the division shall send the alert to desig-
48 nated media outlets in this state. Following receipt of the alert,
49 participating radio stations and television stations and other partic-
50 ipating media outlets may issue the alert at designated intervals to
51 assist in locating the missing military member.

52 (c) The alert must include:

53 (i) all appropriate information that is provided by the law enforce-
54 ment agency under this section and that may lead to the safe recovery of
55 the missing military member; and

1 (ii) a statement instructing any person with information related to
2 the missing military member to contact a law enforcement agency.

3 (d) The state director shall terminate any activation of the alert
4 with respect to a particular missing military member not later than the
5 earlier of the date on which:

6 (i) the missing military member is located or the situation is other-
7 wise resolved; or

8 (ii) the notification period ends, as determined by the division's
9 rules.

10 (e) A law enforcement agency that locates a missing military member
11 who is the subject of an alert under this section shall notify the divi-
12 sion as soon as possible that the missing military member has been
13 located.

14 8. The department of transportation is not required to use any exist-
15 ing system of dynamic message signs in a statewide alerts system created
16 under this section if the department of transportation receives notice
17 from the United States Department of Transportation Federal Highway
18 Administration that the use of the signs would result in the loss of
19 federal highway funding or other punitive actions taken against this
20 state due to noncompliance with federal laws, regulations, or policies.

21 9. The division shall establish an opt-out procedure for military
22 members who do not wish to be included in the green alert program. Such
23 opt-out form shall be made available in hard copy and shall be made
24 electronically available on the division's website.

25 § 2. This act shall take effect immediately.