

# STATE OF NEW YORK

1263

2019-2020 Regular Sessions

## IN ASSEMBLY

January 14, 2019

Introduced by M. of A. STIRPE -- read once and referred to the Committee on Mental Health

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:

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 28 of  
2 section 553 of the executive law, as added by chapter 394 of the laws of  
3 2014, is amended to read as follows:

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

15 § 2. Subparagraph (iii) of paragraph (b) of subdivision 28 of section  
16 553 of the executive law, as added by chapter 394 of the laws of 2014,  
17 is amended to read as follows:

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

23 § 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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