

STATE OF NEW YORK

3150--A

Cal. No. 238

2021-2022 Regular Sessions

IN SENATE

January 27, 2021

Introduced by Sens. COMRIE, PARKER, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, 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 executive law, in relation to policies and procedures regarding death notifications

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

Section 1. Section 840 of the executive law is amended by adding a new subdivision 7 to read as follows:

7. The council shall, in addition:

(a) Develop, maintain and disseminate, in collaboration with the office of victim services, a model law enforcement death notification policy setting forth recommended policies and procedures regarding in-person death notifications to a deceased individual's next of kin. Such policies and procedures shall make provisions for education and training of current and new police officers in the planning, preparation, and delivery of in-person death notifications, including but not limited to, policies and procedures for:

(i) the identification of the deceased individual, the collection of accurate information regarding the deceased individual, and the identification of the deceased individual's next of kin; and

(ii) the actual delivery of in-person death notifications to the deceased's next of kin within twenty-four hours following the identification of such individual; provided, however, such policies and procedures shall provide that, in the event that an in-person death notification cannot be provided to the deceased individual's next of kin within

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

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1 such timeframe, the failure or delay of such notification shall be docu-
2 mented and such notification shall instead be made as soon as practica-
3 ble.

4 (b) Recommend to the governor rules and regulations with respect to
5 the establishment and implementation on an ongoing basis of a training
6 program for all current and new police officers regarding the policies
7 and procedures established pursuant to this subdivision, along with
8 recommendations for periodic retraining of police officers.

9 (c) Disseminate the model law enforcement death notification policy
10 promulgated in accordance with this subdivision to all police depart-
11 ments in this state and develop a model training program for all current
12 and new police officers regarding the policies and procedures estab-
13 lished pursuant to such subdivision.

14 § 2. The executive law is amended by adding a new section 214-h to
15 read as follows:

16 § 214-h. Model law enforcement death notification policy. The super-
17 intendent, in collaboration with the office of victim services, shall,
18 for all members of the division of state police:

19 1. Develop, maintain and disseminate a model law enforcement death
20 notification policy setting forth recommended policies and procedures
21 regarding in-person death notifications to a deceased individual's next
22 of kin. Such policies and procedures shall make provisions for education
23 and training of current and new police officers in the planning, prepa-
24 ration, and delivery of in-person death notifications, including but not
25 limited to, policies and procedures for:

26 (a) the identification of the deceased individual, the collection of
27 accurate information regarding the deceased individual, and the iden-
28 tification of the deceased individual's next of kin; and

29 (b) the actual delivery of in-person death notifications to the
30 deceased individual's next of kin within twenty-four hours following the
31 identification of such individual; provided, however, such policies and
32 procedures shall provide that, in the event that an in-person death
33 notification cannot be provided to the deceased individual's next of kin
34 within such timeframe, the failure or delay of such notification shall
35 be documented and such notification shall instead be made as soon as
36 practicable.

37 2. Recommend to the governor rules and regulations with respect to the
38 establishment and implementation on an ongoing basis of a training
39 program for all current and new police officers regarding the policies
40 and procedures established pursuant to this section, along with recom-
41 mendations for periodic retraining of police officers.

42 3. Disseminate the model law enforcement death notification policy
43 promulgated in accordance with this section to all members of the state
44 police and develop a model training program for all current and new
45 police officers regarding the policies and procedures established pursu-
46 ant to such section.

47 § 3. This act shall take effect on the one hundred eightieth day after
48 it shall have become a law. Effective immediately, the addition, amend-
49 ment and/or repeal of any rule or regulation necessary for the implemen-
50 tation of this act on its effective date are authorized to be made and
51 completed on or before such effective date.