STATE OF NEW YORK

1468

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. SANTABARBARA, STERN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing an electronic monitoring program for certain children and adults

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 837-w to read as follows:

§ 837-w. Electronic monitoring program for certain children and adults. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "child" shall mean a person under the age of eighteen years;

(b) "eligible applicant" shall mean the parent or legal guardian of a child or adult who has been diagnosed by a physician as having an autism spectrum disorder, developmental disability, Alzheimer's disease or other dementia, or any other cognitive disorder;

(c) "participating child or adult" shall mean the child or adult diagnosed with autism spectrum disorder, developmental disability, Alzheimer's disease or other dementia, or other cognitive disorder who is enrolled in the electronic monitoring program and wears an electronic monitoring device; and

(d) "electronic monitoring device" shall mean any radio, global positioning system, cellular device or any other satellite-based monitoring device that can provide continuous tracking of the geographic location of a participating child or adult.

2. (a) The division, in consultation with the office for people with developmental disabilities and the office for the aging, shall establish a program for local law enforcement agencies to provide electronic monitoring devices to an eligible applicant to be worn by such applicant's participating child or adult for the purpose of geographically locating such child or adult upon circumstances where the child or adult is

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

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unable to be accounted for. The program shall facilitate the safe recovery of participating children or adults who are missing or abducted.

(b) The division shall train local law enforcement agencies on the use of electronic monitoring devices.

3. The program shall be voluntary and the following procedure shall be used for the administration of the program:

(a) an eligible applicant may file an application with his or her local law enforcement agency to be granted access to the program;

(b) upon approval of the application, an eligible applicant shall be issued an electronic monitoring device that may be worn by his or her participating child or adult;

(c) if a participating child or adult is missing a caregiver, parent, or legal guardian shall alert the local law enforcement agency and such law enforcement agency shall attempt to locate the participating child or adult using the electronic monitoring device; and

(d) all applicant information provided by the eligible applicant to the local law enforcement agency shall remain confidential and not be divulged by the law enforcement agency except in cases where the eligible applicant signs a separate consent form providing that any personally identifiable information on the participating child or adult may only be released in the event that law enforcement action is sought to locate a missing participating child or adult.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.